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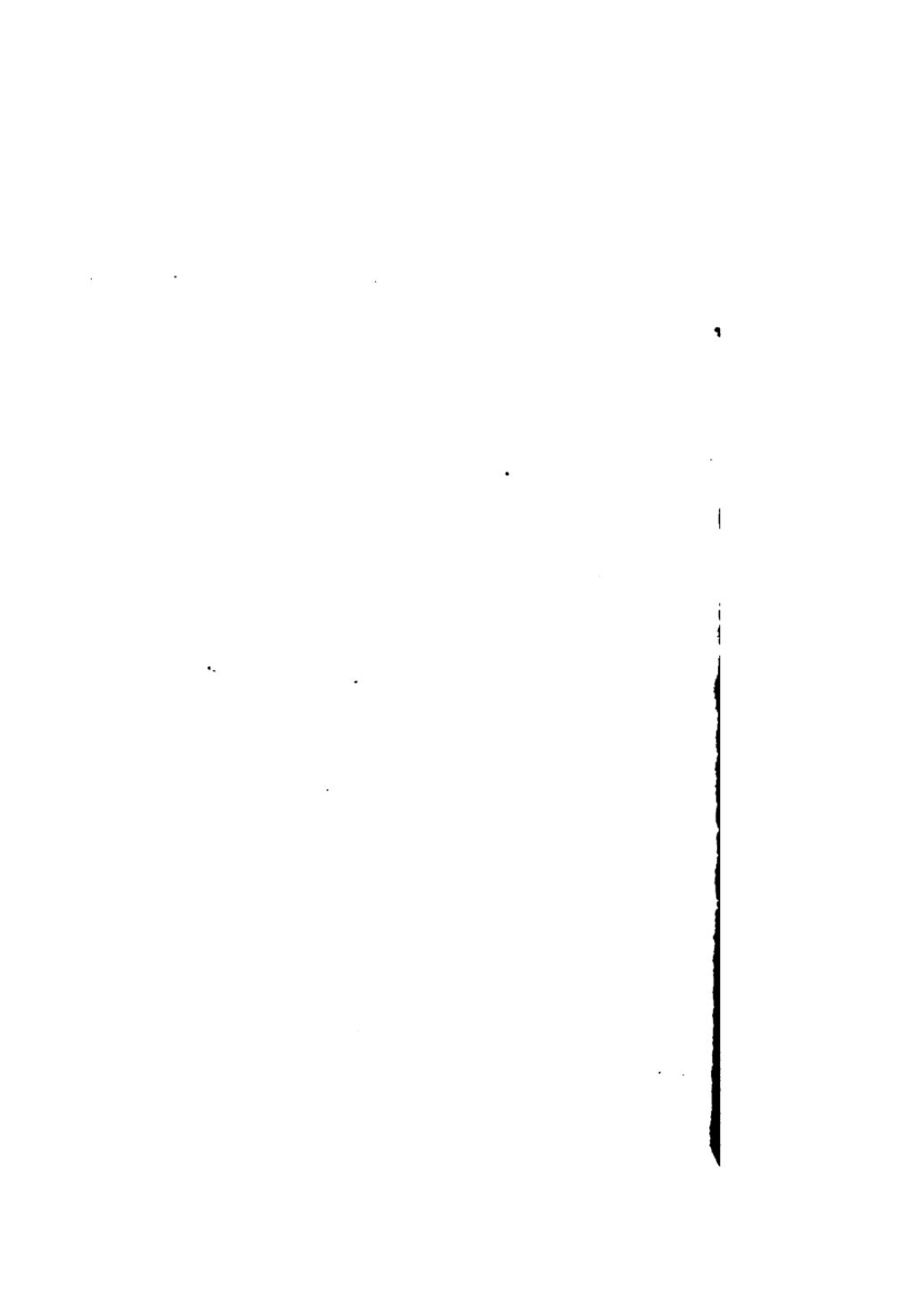


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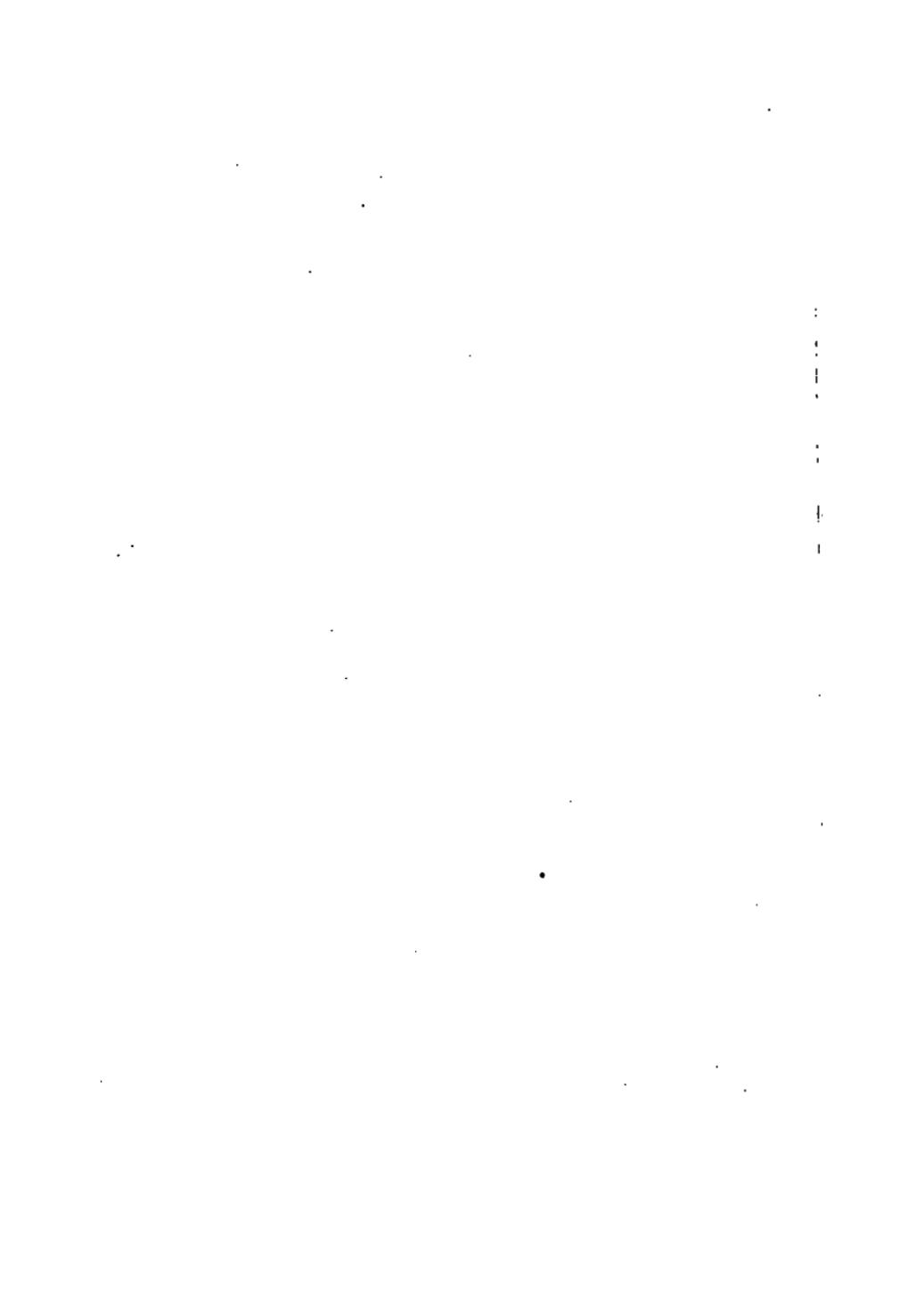


**NORMAN BRITAIN.**









### NORMAN BRITAIN

Scale of Statute Miles  
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- England in 1087 — Red
- Where Domesday boundary differs
- England 1087 to 1100
- Parts under Norman influence
- Forests are shown thus
- Marshes



# EARLY BRITAIN.

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# NORMAN BRITAIN.

BY

WILLIAM HUNT, M.A.

WITH MAP.

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## P R E F A C E.

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THIS little book does not profess to be a history of events. In a series of short essays, treating facts rather as illustrations than as invested with any independent importance, I have endeavoured to describe how the Teutonic Northmen were brought under Romance influences before they conquered our Teutonic land; and, considering the Norman period as a crisis in the long story of our people, when a Romance element was violently introduced into the population itself and into every phase of its life, to show how this foreign element, overwhelming as it seemed at the time, consummated many changes already in progress, preserved much, destroyed little, and made no violent break in our history. I have also tried here and there, as my space would allow, to point out some of the effects of the Norman rule on our later history, both as to what we have kept and as to what we have cast aside as hindrances to our national development. As Mr. Freeman, besides his great works on the Norman Conquest and on the reign of William Rufus, has also published a handbook of the Norman period, it may seem that in writing this volume I have been fishing in his waters.

It was, however, at his request, and with his generous invitation to me to make use of all he had written, that I undertook to attempt the subject that he has made his own. Such as my work is, it will, I hope, be evident that it has not been done without some familiarity with original authorities acquired not for this occasion only. References to most of the authorities I have used will be found in the foot-notes. Since the publication of the Introduction to English History by Professor S. R. Gardiner and Mr. J. B. Mullinger, brief notices of these authorities are no longer wanted, and for any longer account of them I have no space.

Although my references to the works of Professor Stubbs and Mr. Freeman are manifold, my obligations to them both as my teachers and friends deserve a special acknowledgment, for they are far greater than can be expressed in foot-notes. Mr. Freeman, with that unvarying kindness which he has shown me for many years, has spared time to read through the proofs of this little book, and has given me the benefit of his criticism and counsel. It is right, however, to state that neither he nor Professor Stubbs is to be held responsible for any statements I have made, save where I have directly referred to them. If here and there I have ventured to differ from either of them, I hope that in doing so I have not forgotten what is due to them from all students of our history, and especially from myself. My obligations to many other modern writers are also great. These, I hope, I have adequately acknowledged in my foot-notes. I have also to express my thanks for

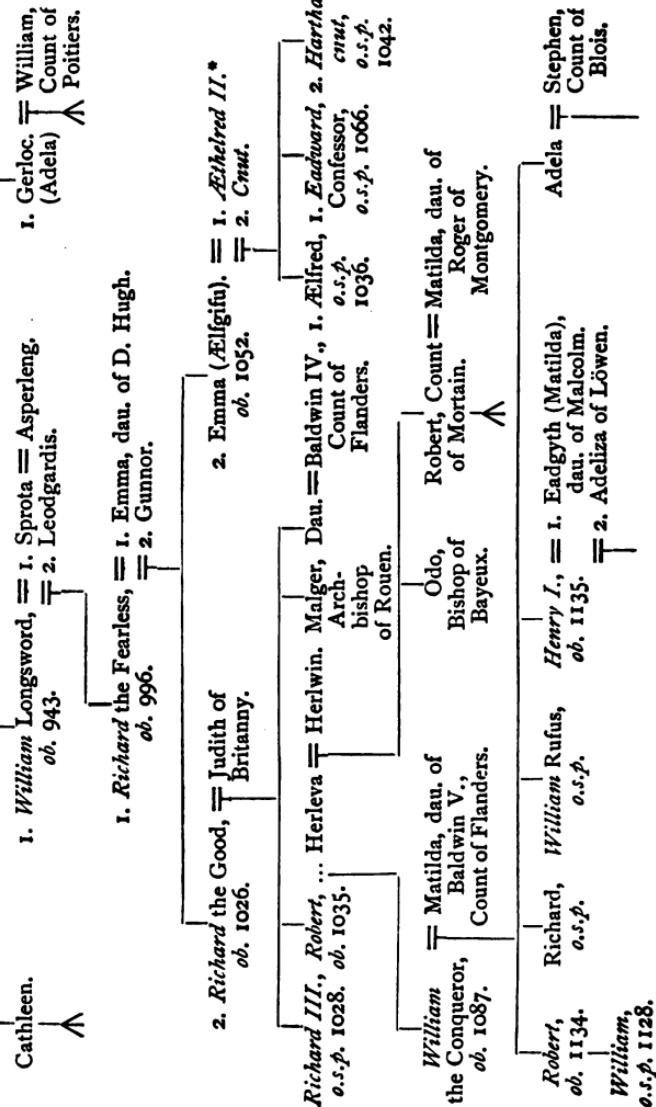
help of various kinds given me by my friends,— Mr. York Powell, Dr. J. Beddoe, M.D., Dr. F. Gladstone, Mus. Doc., and Mr. S. L. Lee ; and especially to Mr. F. Storr, who has most kindly assisted me in the revision of my pages, and has given me many valuable suggestions ; and to the Rev. E. McClure for much help and supervision of the same kind.

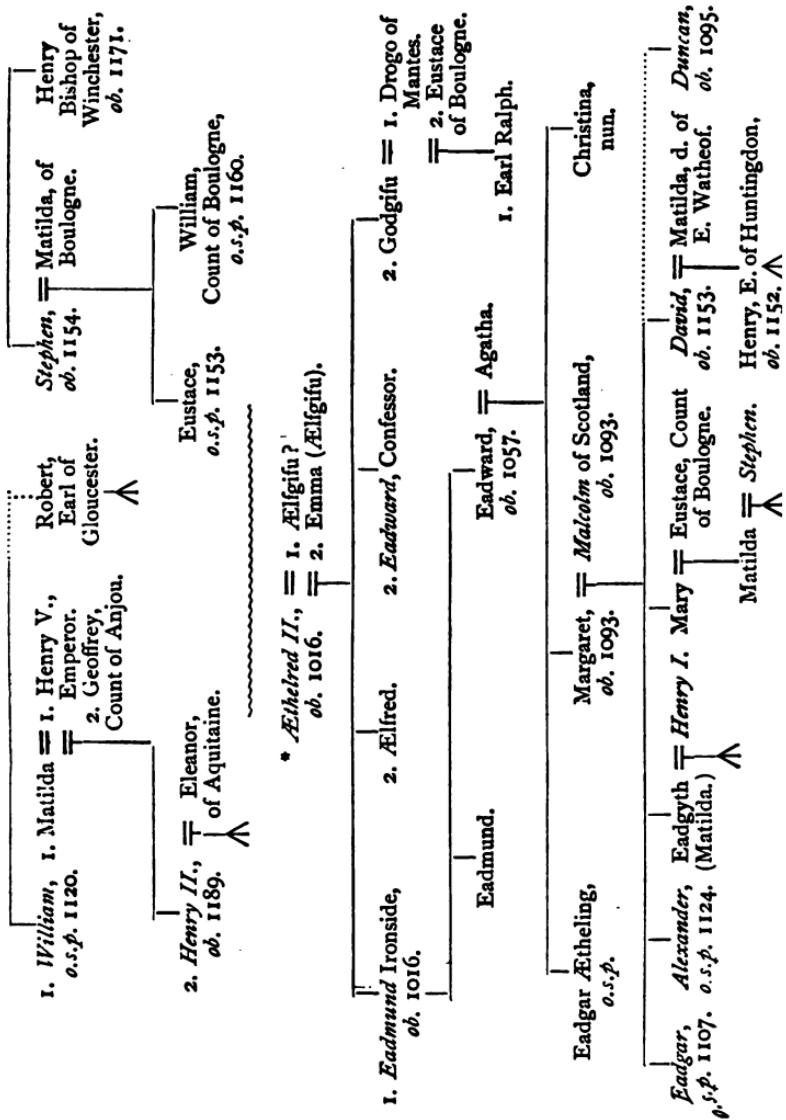
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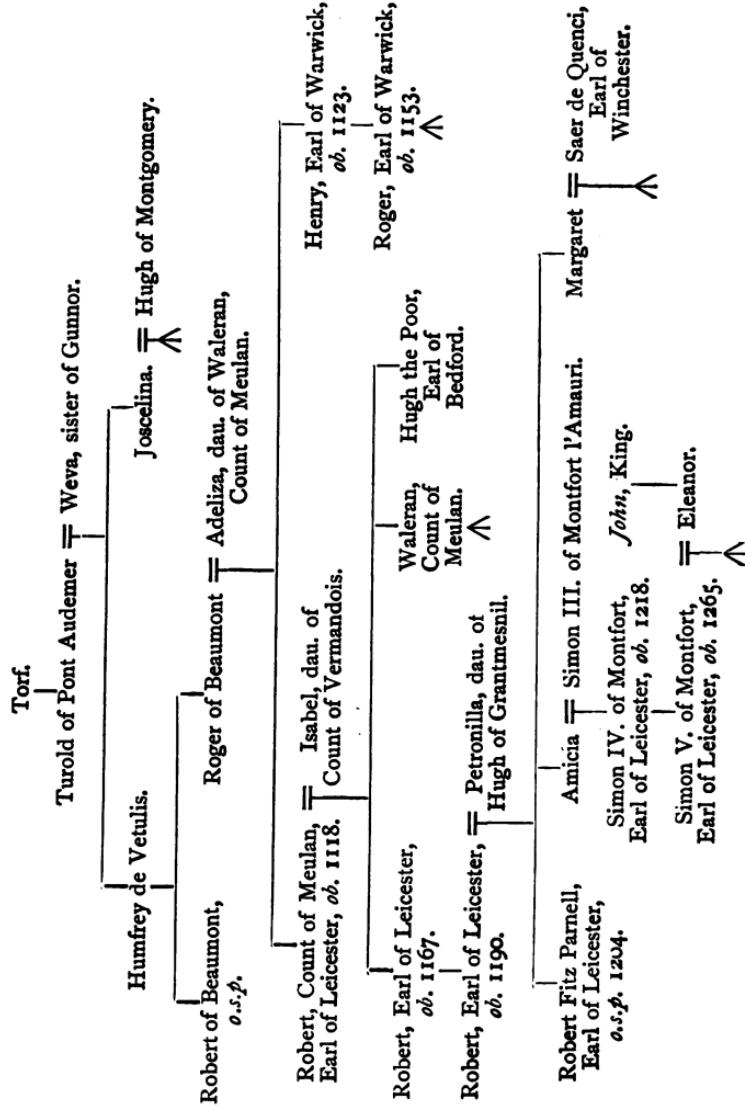
## THE HOUSES OF ROLF AND OF ÆTHELRED II.

*Rolf (Gangr),*  $\equiv$  i. Popa.  
 $\text{ob.}$  927?  $\mp$  i. 2. Gisla.





# THE HOUSE OF BEAUMONT.



## THE HOUSE OF MONTGOMERY.

Roger of Montgomery.

Hugh  $\overline{=}$  Josceline, dau. of Turold.  
(See House of Beaumont.)

Roger, Earl of Shrewsbury,  $\overline{=}$  1. Mabel, dau. of William Talvas,  
*ab.* 1094. | of Belesme, Sezz, &c., *ab.* 1082.  
2. Adeliza of Puisat.

Robert of Belesme,  $\overline{=}$  Agnes, dau. of Hugh, Earl,  
Earl, | Count of Roger of Poitou,  
*imp.* 1113. | *a.s.p.* 1098. Earl of Lancaster,  
Ponthieu. | Arnulf, Earl of  
Pembroke. | Matilda.  $\overline{=}$  Robert,  
of Mortain.  
(See House  
of Rolf.)

William Talvas, Count of Ponthieu.

[The foregoing genealogies are not complete; they include such names only as are of special importance during the period treated in the text.]



# NORMAN BRITAIN.

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## CHAPTER I.

### SETTLEMENT OF THE NORTHMEN.

AT first sight, the year 1066 seems like the end and beginning of all things. A careless comparison of the England of Eadward the Confessor with the England of Edward I. would lead us to believe not merely that our country had passed through a period of change, but that there had been an uprooting and a new planting of ideas and institutions. Compare, for instance, the armed Witenagemot, held at London in 1051, with the Parliament of 1295. There seems little connexion between the assembly in which the king and his party, upheld by the forces which Eadward had gathered, were able for a while to defeat the overweening ambition of the house of Godwine, and the Parliament at Westminster, to which each of the three estates was summoned to take its own share in “that which should be ordained of their common counsel.” Or compare the arms and array of the host which Harold led to the overthrow of Gruffydd with those employed by Edward in his Welsh wars, and the fruitlessness which necessarily attended

English conquest in the eleventh century with the abiding results of the annexation of Wales which followed the wars of Edward. Or listen to the words in which English gleemen sang how—

Eadward king,	Of Angles lord,
Sent his soothfast	Soul to Christ,

and then contrast them both in sentiment and form with the song which speaks of the death of the greater Edward as a calamity touching all Christian lands as well as England, and describes how, when the news came to the Papal court,—

The Pope himself the lettre redde,  
Ant spec a word of gret honour,  
Alas ! he seide, is Edward ded,  
Of Christendome he ber the flour.

In her constitutional life, her arms, her songs, and to some extent even in her language, it seems as though the England of one epoch was wholly different from the England of the other, as if the battle of Senlac [or Hastings] must have been the catastrophe of the existence of a nation. Yet nothing can be further from the truth than this idea. In spite of the changes which the Norman Conquest effected, the English people have preserved their identity and the continuity of their history. If any one were to take the accession of William the Norman as a starting-point for the study of English history, he would, at the very outset, meet with many things which cannot be understood except by reference to far earlier times; and as he read the history of later reigns, he would find his difficulties increase rather than diminish, for, as soon as the shock of conquest

passed away, our old institutions began to show their inherent force. The Norman Conquest is not a starting-point. From the very nature and circumstances of the two peoples it could not be so. Steadfast and home-keeping, with institutions which were of slow growth, of gradual and spontaneous development, and which for six centuries had been closely connected with the land in which they dwelt, the English people could not easily adopt foreign ways. Nor did the Normans try to uproot old institutions. They were not founders of new systems. They were quick at adapting and organizing those which were ready to their hands. As in the land called by their name they had in a century and a half become French, so in England, at the end of a period of the same length, the Great Charter bore witness that our land contained one people, and that that people was composed of Englishmen.

While the Norman Conquest did not put an end to our old national life, it wrought great changes in it. Although it did not destroy our laws, our language, or our social order, it modified them all. It did not people our land afresh, but it brought in new colonists. And until all distinctions of race ceased, the chief men in England were not Englishmen; strangers took the highest places. The Norman period was a crisis, for it was a period of change; it was a discipline, for that change was wrought by suffering. This discipline of conquest came from the hands of men who, though they were our kinsmen by descent, had adopted a foreign civilization. The latter part of the ninth century saw the Danish dominion re-

cognized in all the north-east, yet the influx of the new settlers left few signs save an increase of vigour in the people. Only fifty years before the battle which handed England over to the Norman duke the crown was won by Cnut. But the rule of the Danish dynasty made no great change in England. The third invasion of men of Scandinavian race left marks which abide, after the lapse of eight centuries, on every phase of English life. The reason of the difference is to be found in the character of the invaders. The Danes of Guthrum's time were untouched by Roman influence, and were inferior to the English in civilization. With Cnut himself the case was different. He had learned imperial ideas of consolidation and order; but the lesson was only half learned: he desired the end without knowing how to gain it. A division of England between powerful earls, who held their government at his will, was the device which he formed for the attainment of unity. It was a dangerous experiment, for its success depended on the strength of the crown. When Cnut was dead and the crown became weak, his earldoms threatened to become governments of a feudal type, and the confusion was worse than ever. In the Norman Conquest, though the invaders were to no small extent akin to us in blood, and might have traced their descent from the sea-kings of the North and their followers, they had adopted the civilization of the South. During the hundred and fifty years of their residence in Normandy they had learned to combine the ideas and habits of a Romance people with their own hardy tempers. In their language, their religion, and their

political and social life, they had become Frenchmen, while at the same time they retained their peculiar characteristics and energy. Above all, their duke, William the Conqueror, after a severe struggle, had become master in his own land and knew how to enforce order. The object of this book will be to describe how the sea-rovers of the North adopted the Roman civilization of Gaul ; how they inflicted on England the discipline of conquest ; and how that discipline affected our national life.

As the character, social condition, and religion of the Northmen will be fully described in another volume of this series, it will not be necessary to give a detailed account of these matters. The people dwelling in Denmark, Norway, and Sweden are called Scandinavians. They are a Teutonic people, and their speech is nearer akin to the Low German than it is to the High German language. There seems little reason for believing that the Northmen worshipped idols : they shared the religious myths of their Teutonic kinsmen, and looked on the powers of nature as endowed with spiritual life.<sup>1</sup> Priests offered up cattle and horses in their temples, and great feasts were held, at which the worshippers drank ale to their gods. In old times human sacrifices were often made, and this custom did not wholly die out until the Northmen became Christians. Woden, the father of gods and men, at once the Heaven and the Lord of Heaven, was also the wise one who, like Prometheus, gained inspired wisdom for men by his

<sup>1</sup> For the Beliefs and Worship of the Northmen, see Vigfusson and Powell, *Corpus Poeticum Boreale*, i., 407-427 ; ii., 458-466.

craft. Thor, the Thunder, the red-bearded god, the active ruler of the clouds ; Loki, the tormented and earth-tormenting giant ; and Hel, at once the place of the dead and the power that ruled there, are all forces of nature invested with personality, and made the subject of myths. Besides these common beliefs each family worshipped its ancestors. Magic and witchcraft of every kind had a strong hold upon their minds. A special sanctity was attached to certain objects, such as running water. The names of beasts borne by men, and the stories of the mixed descent of some of the Scandinavian heroes, are signs of the animal-myths once believed in all lands. When the Northmen were brought into contact with Christianity and western civilization, they formed a new religious system. This religion was the faith of the sea-rovers rather than of the people in their old homes. Under the influence of Christianity, which tinged their religion before displacing it, they learned to conceive the victory of life and light over darkness and death. At the same time this new religion, which belonged to the age of the early pirate expeditions, was to a great extent materialistic. All who could show the marks of battle went to dwell with Woden in Walhalla. There on the broad plains they fought with one another by day, and at evening the slayer and the slain returned together to feast upon the flesh of the boar and drink deep draughts of mead.

The social and political institutions of the Scandinavian kingdoms were nearly the same as those of our forefathers. Settlements were made by village communities founded on the tie of kindred, and

land was in early times cultivated in partnership by the members of the community. The land held in common by the kindred is called the *mark*,<sup>2</sup> and this mark system has left its traces in the local assemblies, regulating their own affairs in accordance with by-laws which they made, and in the respect paid to the heads of the village communities, who were regarded as the descendants of the original founders of the settlement. Numerical divisions, founded on the arrangement of the host or the people in arms, also entered largely into their judicial and territorial systems. The importance of number in the allotment of land and the administration of justice naturally comes into special prominence in the settlements of the Northmen in new colonies. Offences were, for the most part, atoned for by a money payment, and a man's social position was distinguished by his *wer*, or the value of his life in money. Even adultery was a matter for damages, and was regarded rather as the theft of a man's most valued possession than as a crime in itself. In their piratical expeditions the Northmen took many women captives, and this had a bad influence in lowering their morality and in giving women an unworthy place in society. Judicial matters were decided by compurgation or sworn witness, and by trial by battle, which had no place in the Anglo-Saxon courts. Society was divided, as amongst our forefathers, into nobles and freemen (*jarls* and *karls*), and slaves (*thralls*). The kingship belonged to one family, which traced its descent from Woden. In Norway, the king had little power before the middle of the ninth century, and

<sup>2</sup> Stubbs, Const. Hist., i., pp. 49-51.

Harold Harfager, or Fairhair, may be considered as the founder of the royal authority. Coincident with the increase of the dignity and importance of the kingship was a change in the character of the class of jarls, from a nobility of birth to a nobility derived from office. The various assemblies of the people were called *Things*. Like the witenagemot of England, the national *thing* was aristocratic in character. The Scandinavians were thus closely allied to the Teutonic invaders of Britain in race, religion, and institutions, and in the early part of the ninth century were much in the same state of civilization as our forefathers were in the middle of the fifth century. A strong idea of law and a special aptitude for discipline existed among the Northmen, and mutiny was unknown in their ships.

Dwelling in barren lands, the peoples of the North sought their living on the sea, and were skilful in managing their ships. Famines and the chances of internal strife drove them to seek other lands, and whether in their own seas or on some longer voyage the love of battle and the hope of plunder made them pirates. At the end of the seventh century the long Norse ships began to appear off many a southern shore. Sweden, for the most part, sent her sea-rovers eastward. The Danes and the Norwegians, to whom the name of Northmen more strictly belongs, began to infest all the coasts of Western Europe. No other land, not even our own, suffered so severely from their ravages as the kingdom of the Western Franks. The monk of Saint Gallen<sup>3</sup>

<sup>3</sup> Mon. Sangall, ii., 14.

tells us how, on a time, it happened that the emperor Charles the Great was in a town upon the coast of the province of Narbonne, and, as he sat at dinner, he saw some ships of the Northmen enter the harbour. Hearing that the great emperor was in the town, the pirates hastened away. Charles rose from table, and as he stood alone at a window his courtiers could see him shedding tears. He wept, he said, because the knowledge of the evils which these people would bring upon his house and on those subject to it filled him with anguish. If Charles did indeed speak thus, his words were terribly fulfilled. And if the story is but a piece of romance, it at least serves to show how far and how boldly the Northmen sailed their ships, even in the lifetime of the mighty emperor. When Charles was dead, the wars of his grandsons left the empire defenceless, and the long black ships of the Northmen entered the wide mouths of the Seine and the Loire. In 841, the sons of Lewis the Pious arrayed the nations of the west in battle at Fontenay, where, in the words of the chroniclers, "the Frankish people was well-nigh blotted out by slaughter."<sup>4</sup> In that same year the Northmen sailed up the Seine through the land which was to be called by their name, and which, under the rule of their descendants, was to become of the first importance in the history of Europe.

Between the Somme and St. Michael's Mount, the history of successive colonizations may still be read in the characteristic features of the inhabitants. When Cæsar conquered Gaul (B.C. 58-50), the

<sup>4</sup> Lambert of Herzfeld, Ann. 841.

district between the Seine and the Loire was inhabited by the Kelts, a tall race, with light hair, blue eyes, and broad or round skulls. These Kelts had dispossessed and driven to the south and west an earlier Iberian race, small of stature, dark, and with long heads.<sup>5</sup> By Cæsar's time, however, the Kelts were being pressed on by the Belgæ, a kindred people, who already held the land from the Seine to Scheldt, and were being driven onwards in their turn by tall Germanic tribes. The present inhabitants of the central part of Normandy, between the Seine and the Cotentin, are, for the most part, fairly tall, with light complexions and eyes, and may be of Celtic, Belgic, or Teutonic ancestry. On the north of the Seine, and in the Cotentin, a large number of the population are of shorter stature, and have brown hair and grey eyes ; for in these districts the darker people probably made a stand, and some fusion of races took place. Exposed as these parts are to foreign invasion, it is likely that they received many Teutonic settlers, of whose coming we know nothing ; while the Cotentin was destined to become the chief stronghold of the Scandinavian colonists of Northern Gaul. During the rule of the Merovingian dynasty in Gaul, there seems to have been but slight connexion between the land we now call Normandy and the Frankish kings of Neustria, and the character of the population was little changed by the Teutonic conquest. Although the superior political organization introduced by Charles the Great brought the land into more frequent relations with the crown, the Franks remained a small military caste. Besides these different types of physiog-

<sup>5</sup> W. Boyd Dawkins, *Early Man in Britain*, 319.

nomy, the records of history and of science alike bear witness to the presence of another element in the population peculiar to this part of France, in the Saxon colonization of the country about Bayeux. In accordance with the policy of the later days of the empire, a colony of Saxons was stationed on the coast, in the third century, to ward off the attacks of their own countrymen. It is evident that the colonists long kept their own speech, for as late as 853, in a capitulary of Charles the Bald, their land is called *Otlingua Saxonica*.<sup>6</sup> Their type of physiognomy can still be discerned in the fair and oval-faced people to be met with in the modern department of Calvados. Save that here the Saxon tongue may yet have lingered, the people of this district spoke the Romance language, of which the famous oath taken by the soldiers of Charles the Bald at Strassburg is the earliest monument. The province of the archbishop of Rouen was enriched by the devotion of the Franks. Many noble churches adorned the city of his see, and outside the walls stood the famous monastery of St. Ouen. Evreux, Lisieux, Seez, Bayeux, Coutances, and Avranches were the sees of bishops. Monastic foundations, some of them great and splendid, such as the abbeys of Jumièges and Fontanelle, were scattered through the land. The conquering Franks adopted the religion, the habits, and the language of the conquered people. The land was still full of the comforts and luxuries of Roman civilization, and was, even as it is now, fruitful and pleasant to dwell in.

In May, 841, the Northmen, under their leader

<sup>6</sup> Recueil des Historiens, vii., p. 616.

Asker, sailed up the Seine.<sup>7</sup> Passing by stately churches and pleasant dwellings, through a land which must have been in the full beauty of spring-tide, the black ships sailed up to Rouen. The city was plundered and burned and then the pirates turned and sailed down stream, destroying the abbey of Jumièges as they passed. After this, each year has its tale of plunder, fire, and massacre. The heathen scourge seems to have fallen with special weight on churches and on churchmen. Rich in money and costly offerings, the monasteries were the repositories of the wealth of the land, and as, for the most part, they were built, like St. Ouen's at Rouen, outside the walls of the towns, they were easily plundered. Buried stores of gold and silver, found from time to time in the home of the Northmen, may once have adorned the shrine of a saint or filled the coffers of a Neustrian abbey. Yet, though the woes of ecclesiastics are naturally described with special fulness by monastic chroniclers, no one escaped where the Northmen came, for they ever brought with them death or captivity. "In every street where they had been," the chronicler says,<sup>8</sup> "there lay the corpses of clerks and laymen, of nobles, and of all alike, of women and of little children, so that there was no road and no place where the dead were not." Paris was sacked more than once, for the island city lay right in the path of the Northmen. Not yet a capital, she was now rising into importance; and while her position was perilous to herself, it marked her as the spot where the course of the enemy might be checked. The thoughts and

<sup>7</sup> *Chronicon Fontanellense*, 841.

<sup>8</sup> *Annales Vedastini*, in *Recueil*; viii. 83.

aims of the king of the West Franks were all turned to other objects than the deliverance of his land from the northern invaders. Happily, a power was rising up which would perform this duty for him. The grant made to count Robert the Strong, in 861, of the march between the Seine and the Loire led to the defence of Paris against the pirates. The city was besieged in 885 by a fleet manned, it is said, though the number must be exaggerated, by 30,000 Northmen, and led by Sigeferth and Hasting. It was bravely defended by count Eudes, the son of Robert, who was afterwards chosen king. The settlement of a band of Northmen at Rouen, in alliance with the Frankish king, proved a permanent defence against further attacks. Other colonies of Northmen settled in various parts of the empire; for the vigorous advance of the royal power in Norway under Harold Harfager (900–945?), made many a restless jarl turn rover; and as the policy of Ælfred shut England against further immigration, it became necessary to look out for a new field for colonization. One famous sea-king, named Guthred, received Frisia from Charles the Fat, along with the hand of Gisla, a daughter of Lothar, on condition of baptism.<sup>9</sup> A colony under Ragnald, for a while at least, planted itself at the mouth of the Loire. Hasting and his band established themselves at Chartres. None of these settlements led to any permanent results. A settlement of the same kind as these was made by the pirates of the Seine under Rolf, and from it came the Norman duchy.

<sup>9</sup> Annales Mettenses, 882.

## CHAPTER II.

## CONFLICTING ELEMENTS IN NORMANDY.

THE origin of the Norman duchy was the settlement of a band of Northmen under a leader called Hrolf, or Rolf,—a name which the French changed into Rou, and which in Latin becomes Rollo. We know very little for certain about the circumstances of this settlement, though some histories describe them as though they were well ascertained. A considerable gap occurs in most of the French chronicles about the beginning of the tenth century,—a forcible, though silent, witness of the miseries inflicted by the Northmen. The story of the treaty which laid the foundation of the Norman state depends almost wholly on the word of Dudo, who was neither a Norman by birth nor a contemporary witness. Dudo was canon, and afterwards dean, of St. Quentin, and was probably a native of Vermandois. He was a frequent guest at the Norman court, and wrote his history at the request of Richard the Fearless, about a hundred years after the settlement of the Northmen round Rouen. A careful examination has lately been made<sup>1</sup> of Dudo's account of the life of Rolf, and the result has been to show how little dependence is to be placed upon it. Dudo wrote with the evident intention of pleasing the Norman court, and so, instead of

<sup>1</sup> By Mr. H. Howorth in *The Archæologia*, vol. xlvi.

trying to find out from the oldest warriors what their fathers had told them of the actions of Rolf, he seems to have assigned to the life of his hero many events which really belonged to the lives of other sea-kings. In the first place, he makes Rolf a Dane, and this shows that he could not have sought for information from living men. For the sagas tell us that he was a Norwegian, and though it is true that these sagas were put together at a considerably later time, this is one of the points on which it must be quite safe to trust them. Rolf, it seems, was the son of Reginwald, the Jarl of More, and was called Gangr, or the Walker, because no horse could bear his weight. He lived by piracy, and we read<sup>2</sup> how that, one summer day, "when he came from his sea-roving from the east into the Bay (between Norway and Gothland), he made a strand-slaughter (drove off cattle and killed them on the shore for his crews). King Harold was in the Bay at the time. He was very wroth when he heard it, for he had laid a great ban against any plundering within the land. And at the *Thing* he had Rolf outlawed from Norway. But when Hild, his mother, the daughter of Rolf Neb, heard it, she went to the king and prayed peace for Rolf; but the king was so wroth, that she got no good of her prayer." Then Rolf sailed away "west of the main (the North Sea) to the south islands (Sodor), and thence he went westwards into Welshland (Gaul), and got him an earldom there, and settled it thick with Northmen, and it has been called Northmandy ever since." Such is the story of the life of Rolf, as

<sup>2</sup> *Saga of Harold Fairhair, c. 24.*

we have it from the traditions of his own people. Dudo gives a minute account of his expeditions, and, to please his readers, makes him behave like a devout Christian and a gallant gentleman, instead of as a heathen and a pirate. For when Dudo wrote, French manners had come into fashion at the Norman court. His utter untrustworthiness becomes apparent when he makes Rolf the leader of the Northmen at the siege of Paris in 885. We know a good deal about this famous siege, for, besides notices of it in different chronicles, we have a detailed account of it written by an ecclesiastic named Abbo who took an active part in the defence of the city. The two leaders were Sigeferth and Hasting, and neither Abbo nor any other chronicler mentions Rolf as present at the siege at all ; while, according to Dudo, he is the great person throughout its whole progress. While the siege went slowly on, Dudo takes Rolf to Bayeux, and there he represents him as taking to wife Popa, the daughter of a Count Berengar. Considerable doubt has been thrown on this marriage. It has been suggested that the story was made up to satisfy the vanity of Rolf's descendants, by giving them a French ancestress. Rolf already had a daughter named Cathleen, who is mentioned in the "Landnama-bok" of Iceland.<sup>3</sup> Cathleen was probably born to Rolf by a captive wife in Ireland or the western isles : she married an Irish king, and became the ancestress of one of the most famous families in Iceland. It is quite possible that William Longsword was the son of

<sup>3</sup> *Corpus Poeticum Boreale*, ii. 491.

Cathleen's mother. On the other hand, the arguments against the marriage of Popa do not seem conclusive. Rolf may have been at the siege of Paris, though not as a great leader, and there seems to have been an expedition made against Bayeux at this time.

The pirates of the Seine, a mixed multitude of Norwegians and Danes, formed a distinct community under their own leaders. One among the many bands which spoiled the land of the Franks, it alone was destined to have a great history. That history began when, in 911, according to Dudo, Charles the Simple made a treaty with Rolf at Clair-sur-Epte, granting him all the lands which lay between the Epte and the sea, with Britanny also, and giving him his daughter Gisla to wife. In return, Rolf was baptized and became the vassal of the king. The fact of the vassalage is passed lightly over by the courtly chronicler, and is made to redound to Norman honour by a famous story. Rolf was bidden to do homage to the king for his fief. He flatly refused to perform this act, which he deemed beneath his dignity, and at last, being urged by the Franks, he bade one of his men do it for him. The man refused to bend his knee, and, standing upright, with true Norse humour, raised the king's foot so high as to tilt him backwards. The story of the marriage of Rolf and Gisla seems like a repetition of the story of the marriage of Guthred and Gisla. And as Charles the Simple was born in 879, and was probably not married until 907, it is difficult to refuse to accept the opinion,<sup>4</sup> that in this matter, as well as in several

<sup>4</sup> Mr. H. Howorth, as above.

others, Dudo has appropriated to Rolf events which really belonged to the lives of other Norse leaders. From his desire to please his patrons, he has given a false account of the fief which was given to Rolf. So far from having any rights over Britanny, the Northmen did not receive the grant of the Cotentin until some time later. So also, with regard to the relations between Rolf and the king, Dudo speaks almost as if Charles and Robert, duke of the French, were forced to become the Northman's vassals.<sup>5</sup> The main facts, however, seem certain. Rolf received a grant of territory from Charles the Simple, "for the defence of the realm." The extent of this grant was probably determined by the land which the Northmen already occupied, and included Rouen and some territory on either side of the Seine. Rolf and his comrades were instructed in the Christian faith, and were baptized by Wido, archbishop of Rouen. The lands which were made over to him were part of the duchy of France held by Robert, the brother of Eudes ; and so

<sup>5</sup> Mr. Howorth believes the date of this treaty "to be utterly wrong," and refers to Frodoard, who says (*Hist. Rem.*, iv. 14), that the cession was made after the defeat of the Northmen at Chartres (*Carnotenus*) by Duke Robert, and goes on to speak of Heriveus, Archbishop of Rheims, as giving advice about the evangelisation of Rolf's men ; see also Richer, i. 30. "Heriveus did not," says Mr. Howorth, "become archbishop until 920," and therefore the treaty was not made until 921. Against this conclusion may be set the record of the Council of Rheims, held 900, "primo scilicet die quando ordinatus est Heriveus in archiepiscopatu Remensi episcopus" (*Bouquet*, ix., 318) ; and a charter of Charles the Simple, 918, *ibid.*, 536, which refers to the grant to "the Northmen of the Seine." There seems no reason for refusing to accept 911-912 as the date of the treaty.

duke Robert played a conspicuous part in the treaty and stood godfather to Rolf, giving him his own name. The treaty between Charles and Rolf was perhaps suggested by the Peace of Wedmore between Ælfred and Guthrum. In both cases alike the lands ceded to the Northmen were not part of the immediate possessions of the kings who ceded them. Both Ælfred and Charles merely gave up territories which belonged to subject lords. Ælfred, indeed, by the overthrow of the northern sub-kingdoms, actually increased his immediate territory. This was not the case with the Carolingian king. Yet he, too, gained much, for, by the evangelization and settlement of the Northmen of the Seine, he gained for the time a powerful and faithful vassal, and raised up a rival to the house of Eudes.<sup>6</sup>

The territory granted to the new settlers did not answer to any political or geographical division, and was called simply "*Terra Northmannorum*," the land of the Northmen. Their leader gained no new title by the treaty of Clair-sur-Epte. To his own countrymen he was the Jarl of Rouen. And in spite of their zeal for religion and their importance in the kingdom, the counts or dukes of the Northmen were, in the eyes of the French to the third generation, the leaders of the pirates. Little is known of the administration of the new state. Norman writers, judging by the position held by the dukes of their own time, naturally speak of Rolf as holding supreme power from the first. There are indications, however, that his position

<sup>6</sup> Freeman, *Norman Conquest*, i., c. iv., p. 189.

was changed and established by the successful issue of his enterprise. Just as the settlement in Britain changed the Saxon ealdorman into a king, so probably the Northmen's settlement in Neustria changed a leader of small repute into a count or duke. A story is told how, when the crews of the Northmen were rowing up the Seine in 867, they were challenged to tell their names and the name of their lord. "We have no lord," was the proud answer, "for we share the command." It is possible that this equality was more apparent at the treaty than the Norman writers would lead us to believe. A tradition, preserved by a late chronicler, of the origin of the counts of Blois seems to indicate that the authority of Rolf was shared by others<sup>7</sup>; and in a charter of Charles,<sup>8</sup> the grant of 911 is said to have been made "to the Northmen of the Seine, namely, to Rolf and his companions." Be this as it may, no Scandinavian principle of equality between settlers such as was so strong in the early stage of the colonization of Iceland, which was effected at this time, found place in the new Norman state. This difference may have arisen from the fact that the colonization of Iceland was peaceful, while the Northmen of the Seine were in a hostile land. The count was supreme, ruling as a personal lord. The stories which represent Rolf as a lawgiver are practically worthless. No need of new laws or of a new system of administration could have existed. Round the count was gathered an assembly of the usual Teutonic type, such as we find the

<sup>7</sup> Chron. Sithiense, Recueil, vii., 207.

<sup>8</sup> Diplomata, Recueil, ix., 536.

*Al-thing* of Iceland, in which, while in theory every freeman had a voice, all matters were really decided by the nobles, who in the early days of the colony were the chiefs of the original settlers or their descendants. With the consent of this assembly, Rolf is said to have abdicated in favour of his son William. During his life, the Bessin was added to the *Terra Northmannorum*. In this new district, already colonized, as we have seen, by Teutonic settlers, the Northmen seem to have found a congenial home, and Bayeux quickly became thoroughly Norse in religion, feeling, and language. Some rights were also acquired by the Northmen over Britanny. Rolf is said<sup>9</sup> to have divided the land between his followers by measuring it with a rope. This was the usual practice of the Northmen. It does not imply that they found the land vacant or that they expelled the inhabitants. The new settlers, as in the English Denalagu, or Danelaw, were an armed host and not agricultural colonists. All the land was taken into their possession, and the former owners dwelt upon it and cultivated it in dependence on their new lords. Except in the Rouen district, the settlers of the first immigration must have been few in number, compared with the native inhabitants, though possibly they were more numerous than the Franks. They formed a small military caste. The bulk of the population remained Gallic in blood, speaking their own language, living under Frank law, and in the enjoyment of their local institutions.

The reign of William Longsword is marked by

<sup>9</sup> Dudo, ii., 85.

progress and transition. With swift, though uncertain, steps the Norman state advanced towards a thorough adoption of French institutions. It was a period of geographical extension, though not as yet of consolidation. It is marked by the beginning of a policy which brought the Norman duchy into close connexion with the French kingdom under a new dynasty. William was brought up by Botho, one of the companions of Rolf. Botho, however, had adopted the Christian religion and French feeling, and William learned from him to become a Frenchman rather than a Northman. His example was followed by his subjects. Large numbers embraced Christianity. French, the Romance tongue of the natives, was spoken instead of Norsk. Such a change was in accordance with the nature of the Northmen, who showed in all their settlements the same facility for adopting the institutions of others. And, to say nothing of the relative strength of the two languages, the fact that the Northern warriors took wives of the people of the land insured the victory of the speech of the natives. Quickly as Norsk began to disappear in conversation, it has left its mark in the local nomenclature of Normandy. Many names, for example, ending in *ville* have a Norsk name prefixed, as Rouville and Beuzeville. Others have a northern termination, such as *beuf*, as in *Coulibeuf*, corresponding to our Danish *by* in Whitby, or as *bec*, our *brook*, in Caudebec.<sup>10</sup> While in the district of the first colonization the language and feelings of the Normans were rapidly

<sup>10</sup> Depping, Hist. des Expéditions, &c., ii., 339; Thorpe's Lappenberg, Norman Kings, p. 97.

changing, the old language and manners of the north found a home in the lately-acquired Bessin. Bayeux, with its Saxon and Scandinavian population, stood in opposition to Rouen, where the Northmen were fast becoming French. The area of the Scandinavian opposition was widened by events which followed the wars with the Bretons. These wars led to the acquisition of the Cotentin, which was now incorporated with the Norman state, as well as to a more decided superiority of the Norman count over Britanny. In the newly-acquired district there were Norse settlers who were independent of the lord of Rouen, and who, it may be, had received grants in the same way as Rolf had received his territory. A combination of these two parties in the Bessin and the Cotentin produced a heathen and Scandinavian revolt against the Christian and French ruler at Rouen. The overthrow of this rebellion established the triumph of Roman civilization over the Northern conquerors. William reigned as a French prince. His first wife was Sproto, a Breton woman, whom he married "Danish fashion," that is, without the rites of the church. It was not an unusual connexion among the Northmen. The position of the lady depended, to some extent, on the treatment which she received, and would not, while her lord remained unbound by any more legitimate tie, be necessarily considered disgraceful except in the eyes of the church. Sproto bore William a son named Richard. She was, however, put away, for William carried out his policy of reigning as a French prince by marrying the daughter of the count of

Vermandois. After the death of this new wife, William took Sprota back again. In spite of this irregularity, William was much under the influence of religion. He refounded the abbey of Jumièges, and, it is said, could hardly be hindered from becoming a monk of his new foundation.

While William thus reigned as a Christian and a French prince, he did not wholly break with the party which clung to the old religion and thoughts of his fathers. Although by his victory over the western rebels he had secured the predominance of his religion and of his social and political tastes, he probably found it unsafe to push matters to an extreme. Towards the end of his reign he evidently courted the Norse party. When the Cotentin was added to his duchy, it seems that a large number of Bretons emigrated from it rather than live under the Normans. Wishing probably to strengthen himself for the part he played in the affairs of France, he allowed a fresh colony of Northmen to settle in the vacant land. The vast fortification called the Hague dyke, in the north-west corner of the peninsula, is possibly the work of these new colonists, who seem to have been Danes. He also sent his son Richard, under the care of the old Northman Botho, to be brought up at Bayeux, the stronghold of Norse sentiment. His reason for this was, that Richard might learn the language of his fathers, which was no longer spoken in Rouen. Botho was, indeed, one of the Christian and French party. Nevertheless, the step shows a distinct drawing towards the old national element in his dominions. His

relations with the French kingdom exhibit a policy no less transitional and indecisive than that which he pursued at home. With the death of Charles the Simple, in 929, ended the steady support which the Northmen gave to the Carolingian house. In the struggles of Lewis with Hugh of Paris, duke of the French; with the count of Vermandois; and at last with Otto, the king of the East Franks, or Germans, William changed sides frequently. In spite of his French tongue and of the important part which he took in the affairs of the French kingdom, Frenchmen still looked on William as inferior to other Christian princes, as nothing more than "the leader of the pirates." And, indeed, with all his admiration for a monastic life, the lover of Sprotta had not lost the reckless violence of the Northmen. Otto and Lewis, the rival kings of the two Frankish peoples, had made peace and alliance together. They met and held a Council at Attigny.<sup>11</sup> Thither came all the princes, and William, who had of late upheld his king, Lewis, came with the rest. Into the council chamber went duke Hugh the Great and Herbert of Vermandois, who had just deserted the cause of their king, and Arnulf of Flanders. William alone was shut out. He waited for a while, expecting to be called in. Then, seeing that it was meant to put a slight upon him, he fell into a rage. The door of the council chamber was locked. William with main strength burst it open and stood before the astonished kings and princes. He saw his king, though in his own dominions, sitting on a lower seat than the Saxon

<sup>11</sup> Richer, ii., 30.

Otto, while the traitor princes were seated in his presence. "Had I no right here?" he cried. "Am I a foul traitor?" Then with magnificent insolence he turned to Lewis. "Rise a moment," he said, and as the king obeyed, he sank into his seat. Sitting thus, he said "it was not for his king to sit lower, let who would be higher," and so at his bidding the kings changed places. No wonder that such a man met with a violent end. Some three years after, in 943, he was treacherously slain by Arnulf, who probably carried out the plans of others, perhaps of King Otto among them. Filled at one time with monastic fervour, at another with Berserk fury, now appearing as a politic French prince, and now as the leader of the pirates, and in all cases gaining his point, William himself illustrates the character of his reign. It was a period of transition and of progress, of growth and yet of indecision.

The reign of his son, Richard the Fearless, is marked by the triumph of French influence in the Norman state. It definitely decided the place of Normandy as a province, and as the most powerful province of the French kingdom, and laid it open to those southern ideas which entered largely into the Norman character and organization. This decision, which affected its internal condition as well as its external relationships, was not made without a violent struggle. About the time of the death of William, our king, Eadmund, was establishing his power in the northern part of his kingdom, and Danish adventure was turned away from England. Soon after the accession of the young duke, a large Danish fleet,

under the sea-king Sihtric, sailed up the Seine. The Norse party in Normandy, under the leadership of a chief named Thurmod, rejoiced at their coming, and many turned back to their old idolatry. The young duke was forced to join the heathen worship. In their distress the Christians of Normandy commended themselves, some to King Lewis and others to Duke Hugh, that is, they offered to take the one or the other as their lord if he would protect them. Lewis invaded Normandy, defeated the Danes, and slew Thurmod. Having delivered the country, he was in no haste to leave it, and for some time ruled in Rouen. Dudo makes Lewis keep the young duke in captivity, and gives a long account of his dangers and of his escape. After a while, the Normans grew tired of the rule of the French king, and saw that he intended to make their land his own. A new Danish invasion saved them from this danger. A certain Harold, called by Dudo Harold Haygrolf, landed in the Cotentin, which was already colonized by Northmen. This sea-rover has been generally held to be Harold Blaatand, or Blue-tooth, the Danish king, though there is no absolute proof of their identity. Harold was joined by the men of Teutonic Bayeux, and at their invitation took up his quarters in their city. He defeated Lewis, took him prisoner, and kept him for a while in captivity. Harold did not try to set up his own power in Normandy. He established Richard as duke, and brought matters into order again throughout the land. He is said to have made men abide by the laws of Rolf. As in England Cnut restored the law of Eadgar, and as in later times

Norman kings gave men the law of Eadward, when a promise was made that the state should be ordered as it was in the days of a king to whose reign men looked back as a good old time, so the renewal of Rolf's law meant that the state should be restored as it was before the French invasion. When Harold had done this he sailed away. The immigrations which took place in the reigns of William and Richard made the population of the Cotentin thoroughly Norse, for the flight of the Bretons had left the peninsula void of inhabitants. Nowhere in Normandy does the Scandinavian type prevail so completely as in the district about Cherbourg, where one can almost fancy oneself in Denmark. Richard requited the good service which Harold rendered him by sheltering Danish ships which were engaged in plundering England. Some disputes, perhaps some actual hostilities, between Æthelred and the Norman duke were allayed in 991 by the mediation of Pope John XV. The letter<sup>12</sup> which speaks of the Marquess Richard, for such was the title by which this prince styled himself,<sup>13</sup> as the pope's spiritual son, may be taken as significant of the admission of the Northmen into the fellowship of Christian states. Richard spent the latter part of his life in securing and consolidating his dominions, and in building religious houses. He was magnificent in his ecclesiastical foundations. Chief among these was the abbey of Fécamp, which he raised from desolation, and where he rebuilt the church, adorning the plaster walls of the interior with

<sup>12</sup> William of Malmesbury, ii., 166.

<sup>13</sup> Diploma Ric. I, in Recueil, ix., 731.

paintings. All his benefactions were confined to the regulars, and when he rebuilt the abbey of St. Michael-in-Peril-of-the-Sea, he turned out the secular clergy and put monks in their place.<sup>14</sup> The secular clergy indeed were in little honour. No episcopal synods were held in Normandy for a century after the cession to Rolf.<sup>15</sup> On one occasion, however, the clergy helped to bring Richard to conform to the law of Christendom in a matter in which he and his father had taken their own course. For, on the death of his wife Emma, the daughter of Hugh the Great, they joined with the lay nobles in persuading him to marry Gunnor, who had borne him children. Thus Normandy became decidedly Christian.

The reign of Richard also decided the French character of the duchy. In the long struggle between the descendants of Charles the Great and the house of Robert the Strong—the counts of Paris and the dukes of the French—the Karlings reigning at Laon were a Teutonic dynasty, Franks in the old sense of the word, the counts of Paris were Frenchmen in the new.<sup>16</sup> It was a struggle between the Teutonic and the Romance elements in the kingdom of the West Franks. The accession of Hugh Capet, the son of Hugh the Great, in 987, was the triumph of the Romance element,—the birth of modern and Parisian France. William Longsword halted between the two parties. The occupation of Rouen by Lewis and the deliverance of Normandy from the Frankish king,

<sup>14</sup> Recueil, ix., 629.

<sup>15</sup> Lappenberg, p. 71.

<sup>16</sup> Freeman's Historical Essays, i., p. 191.

wrought by Harold decided the course of Richard. In 946 Richard commanded himself and his dominions to Hugh the Great. By doing homage, or becoming the man of duke Hugh, he acknowledged that he held Normandy of him, and not of the Carolingian king. The relationship thus created between Normandy and the Parisian house was evidently something much closer than the almost nominal superiority of the Frankish kings over the ceded land. For instance, in a grant made by Richard to the abbey of St. Denys, he expresses the consent of his lord.<sup>16</sup> Normandy was now on the side of ducal France, and the accession of Hugh Capet was, in no small degree, the work of the Norman duke, for Richard deserted the alliance of the Carolingian king who reigned at Laon, and upheld the Parisian duke against him. But when at length the duke of Paris became king of France, and France and Normandy no longer stood in need of each other, after a while the two fell back into their natural state of mutual hatred. The friendly connexion, however, between Rouen and Paris decided the French character of the duchy, and brought Normandy under those southern influences which the Normans, in their turn, introduced into England by the Conquest.

<sup>17</sup> Diploma Ric. I., in Recueil, ix., 731.

## CHAPTER III.

## ROMANCE INFLUENCES IN NORMANDY.

FROM the commendation of Richard the Fearless may be dated the triumph of Romance or Gallic influences in Normandy. Evidences of this triumph are conspicuous in the character of the court and the nobles during the reign of his son, Richard the Good. The various titles, count, patrician, and marquess, borne by the earlier rulers of Normandy, gave way to the loftier title of duke. The leader of the pirates, as even Richard the Fearless was called by a French writer,<sup>1</sup> was at last recognized as a French prince, and became the mainstay of the new French dynasty. The ducal court was arranged after the French model, and had its seneschal or steward, its cupbearer, and other great officers, like the court of the French king. A new idea of nobility arose, founded on connexion with the reigning house. Along with the descendants of the companions of Rolf now appear men whose claim to nobility was derived from the amours of Richard the Fearless, or from the marriage of his mother Sprotta to Asperleng the miller. A nobility of this kind marks an exalted idea of the dignity of the person of the ruler, which was foreign

<sup>1</sup> Richer, iv., addit.

to old Teutonic sentiment. Richard combined this idea with the distinctly Gallic spirit of chivalry. He would give the offices of his household to none save "gentlemen." The highest honours were closed against all who were not of noble blood, and the ranks of the aristocracy overflowed with men whose nobility consisted in legitimate or illegitimate relationship to the reigning house. This increase in the number of noble families produced two notable effects,—the revolt of the peasants, and the renewal of Norman adventure.

The increase of private lordships caused their owners to look more narrowly after the profits which might be derived from the cultivation of the soil. Vast tracts of land which had formed the forests of the count were given to private lords, and the new possessors strictly enforced forest rights. The commendation of Richard to duke Hugh may be taken as a sign of the introduction of French feudalism. Numberless possibilities of extortion were contained in the relationship between the lord and the cultivator of the soil. It only needed to reduce that relationship to a system, and carry out that system to its full extent. There was a legal spirit in the Normans which rendered such a process congenial to them. The relations between the lords and the peasants became harsh and strained. Services were made heavy and grievous, and tolls were diligently enforced. Norman oppression was carried out by the sure and grinding process of law, even as it was destined to be carried out at a later time in our own land. Summons to pleas of every kind and crowds of bailiffs

and such like officers left the peasants no peace.<sup>2</sup> These peasants were the Romanized Kelts, the natives of the land, who retained their local organization, and the memory of the comparative independence in which they lived in the days of the Frankish dominion. In their revolt against the oppression of their lords they showed a wonderful degree of political insight. Each district throughout the land elected two representatives to attend a central Parliament. All were bound by the decision of the general assembly. The character and aim of this peasant organization are described in the riming chronicle of the twelfth century by a word which afterwards became famous in the history of municipal liberty:—“They made a Commune.” The movement was put down with severity, and the horrible punishments inflicted on the peasantry illustrate the innate ferocity of the Normans, and their utter disregard of human suffering. In spite of its overthrow, this revolt was perhaps not without some fruit. Villenage assumed a milder form in Normandy, and the villeins of England during the Norman period were in a far better position than that to which they sank in the next age.<sup>3</sup>

Another result of the increase of the nobility was the revival of the old love of adventure. In some cases, men of high lineage, like Ralph of Toesny, who was of the great house founded by Malahulc, the uncle of Rolf, disgusted, it may be, at the rise of lowborn rivals, set out to seek a principality for them-

<sup>2</sup> *Roman de Rou*, 5975–6092.

<sup>3</sup> Freeman, *Norman Conquest*, i., c. iv., 282–284.

selves. Some houses, too, as yet of lesser fame and fortune, sent forth their sons to win loftier names than those borne by the favoured offshoots of the ducal stock. Great as the glories were which the savage Ralph of Toesny won against the Moors in Spain, his rule at Barcelona had no abiding result. The expeditions of the Normans to Italy were destined to a higher fate. A chance occurrence led them to mix themselves in the affairs of the peninsula. Among the practices of Latin Christianity there was none which attracted the Normans more strongly than the performance of pilgrimages. It was a mode of atonement for their reckless sins which was congenial to their taste. Some Norman pilgrims saved the city of Salerno from the Saracens. They were entreated by the Lombard prince to send some of their countrymen to help him. Adventurers came from Normandy in great numbers. Under the valiant sons of Tancred of Hauteville, Southern Italy and Sicily were conquered. From one obscure house in Normandy came Robert Wiscard—who made the two Emperors, of the East and the West alike, tremble at his might—and the line of Norman kings of Sicily, a race equally famous in peace and in war. Though these expeditions were made by private men, and were independent of the Norman duke, the success which attended them must have had considerable influence in bringing men to follow their duke's banner when William set out to conquer England.

One step towards that Conquest, though none could foresee its issue, was taken in 1002, when Emma, the sister of Richard, married our King Æthelred. By this

marriage was formed the close connexion between the reigning families of England and Normandy which furnished the Conqueror with one of his claims to succeed his cousin Eadward. From this marriage came the immigration of Normans into England and their struggle for power in the days of the Confessor. Our forefathers little guessed the ills—these, and others also—which were to follow the coming of their king's bride (“the gem of the Northmen,” as she was called) when they gave her the sweet name *Ælfgifu*, the elves' gift. The Norman court gave shelter to Richard's daughter and her sons in the troublous times of the last Danish invasion, and for a little while to King *Æthelred* also. Preparations made by Robert for an invasion of England, on behalf of *Ælfred* and Eadward, the sons of *Æthelred* and Emma, may have prepared the minds of the Normans for the expedition of William. The attempt came to nought, and the English æthelings remained in Normandy,—*Ælfred* until his fatal expedition in 1036, and Eadward until he was recalled by Harthacnut in 1040. His long residence in Normandy made Eadward a Frenchman at heart, and his return to England was the real beginning of French influence in our land.

Before William invaded England he had to bring his own duchy into order. His reign in Normandy before 1066 saw the triumph of the ducal authority over the nobles, and a fresh access of Romance or southern influence. The early days of the Conqueror were full of trouble. Lax as the Normans were in morality, the circumstances of William's birth offended them.

The marriage *more Danico* was a thing of the past. No national custom excused the relations of Robert and Herleva, the daughter of the tanner of Falaise. No after marriage, as in the case of Gunnor, legitimated the issue of their union. The Norman nobles deemed that the grandson of the tanner was unfit to be their duke. A picturesque story in the Roman de Rou illustrates their feelings. It is said that William Talvas, head of the great house of Belesme, was called one day by a burgher to enter a dwelling at Falaise and see the son of his lord. Before him lay the child of Herleva. In bitterness of soul, the fierce noble cursed the babe, for he said, "by thee and thy line shall shame and harm come to me and mine." If indeed the words were spoken, they were a true prophecy. The child lived to humble the class of which Talvas was the spokesman. His son Henry, the Lion of Justice, crowned his work when he sent Robert of Belesme, son of the cruel Mabel, the daughter of Talvas, into lifelong imprisonment.

When Duke Robert died on his pilgrimage, in 1035, William was seven years old. Disorder broke out on every side. Castles sprang up everywhere. New mounds were raised or ancient earthworks were used again, and on these were built the square and massive donjon towers which mark the Norman fortress. The lords of these castles acted as independent princes, and filled the land with violence. The three guardians whom Robert left in charge of his son were slain. William was reared in the school of adversity and danger. In

addition to the internal troubles of the duchy, the good understanding between the Norman duke and his lord the French king, which had lasted ever since the commendation of Richard the Fearless, was now broken. The kings of the Capetian house were no longer dependent on Norman support. The Norman duchy cramped their kingdom, and shut it out from the sea. A short war was the fruit of French jealousy, but a far more dangerous conflict was imminent. The old rivalry between Teutonic and Romance Normandy, between the west and east, broke out afresh, under a slightly different form. Guy of Burgundy, son of a legitimate daughter of Richard the Good, claimed the duchy against William the Bastard. All the lords of the west took up his cause, for he offered to share the land with them. Neal of Saint Sauveur, Viscount of Coutances, Ranulf of Bayeux, and Hamon of Thorigny, called Dentatus, were the chief leaders of the rebellion. Their cause implied the independence of the west, the separation of the Cotentin and the Bessin, the lands of the virtually independent colonies of the Northmen, of the later Danish settlements and of the old Teutonic population from French Rouen.

Had this rebellion been so far successful as to shake off the dominion of William from the western part of the duchy, the conquest of England would have been impossible. William had first to bring all his own land under his power before he could go forth on foreign conquest. He called on his lord for help. King Henry saw that the establishment of Guy at Rouen and of a number of independent lordships in the west

would be worse for him than the rule of a duke whom he could bind to himself by ties of gratitude. He came to the help of his vassal. The forces of the French king and of the Norman duke met the rebels, in 1047, at Val-ès-Dunes near Caen. The battle was fierce. "Danish Coutances and Saxon Bayeux were brought face to face with Romanised Rouen and Evreux and with royal Paris itself."<sup>4</sup> The French battle-cry, "Mont-joie!" the Norman "Dex aie," so soon to be heard on English soil, were answered by the shouts of "Saint Sever!" and "Saint Amant!"<sup>5</sup> The rebels were utterly routed. It was the conquest of the greater part of Normandy by its duke. It was followed by the destruction of the castles which had been raised with rebellious intent.<sup>6</sup>

The other wars of William have a far less important bearing on English history. He requited the French king for the service done him at Val-ès-Dunes by helping Henry against Geoffrey Martel, count of Anjou. This war was the beginning of a long struggle between Normandy and Anjou, which did not end until the duchy and the county were united through the marriage of Geoffrey Plantagenet and the Empress Matilda. In spite of these friendly relations between the French king and the Norman duke, Henry gave constant help to all who rebelled against William. After Val-ès-Dunes, there was no further danger of a division of the duchy. Nevertheless, Normandy did not at once become wholly loyal,

<sup>4</sup> Freeman, *Norman Conquest*, ii., 253.

<sup>5</sup> *Roman de Rou*, 9094-9102.

<sup>6</sup> *William of Poitiers*, p. 82.

and chief among those who rebelled were various members of the ducal family. These rebellions would have been of little consequence if they had not been upheld by the French king, by the count of Anjou, and by other French princes. A dangerous confederacy against William was overthrown, in 1054, by his victory at Mortemer, and, in 1058, the French king in person was forced to flee before the Normans at Varaville. The importance of the victory at Valès-Dunes was now evident, for in these wars the men of the Bessin and the Cotentin were conspicuous amongst those who stood by their duke.

Meanwhile, William extended the frontier of his duchy towards Anjou. The conquest of Maine, in 1063, has a double bearing on the conquest of England. It made William supreme in the north-west of France, and so enabled him to gather together the vast force which he needed four years later. And it was accomplished by a combination of military force with legal claims derived from a bequest, a homage, and a proposed marriage, such as he afterwards used in the case of England.<sup>7</sup> The predominance of William in the north-west was secured by a successful war against the Breton count in 1064. In this war, Harold, the son of Godwine, accompanied William, and the events on which the Normans based their charge of perjury against the English earl took place at this time. Thus William, having reduced his own duchy to obedience, fitted himself to become the conqueror of England. He was one of the mightiest

<sup>7</sup> Freeman, *Norman Conquest*, iii., 214.

lords of the west, and was, in truth, stronger than the king to whom he owed allegiance. His early troubles and the victories which ended them have an important bearing on his great expedition of 1066, on account of the influence they exercised on William himself, as well as on his political position. They formed the character of the Conqueror, and called forth his military skill. Brought up in the midst of danger, he owed his triumphs to his extraordinary strength of will. It was this strength of will that, in spite of every obstacle, brought Normandy from anarchy to order, and from weakness to power. He knew no restraints, save those which he laid upon himself: these he strictly observed. He was chaste and temperate. Wrathful by nature, he could restrain his anger or let it blaze out as it pleased himself. He knew when it was politic to be merciful. Never, save on one memorable occasion, did he punish men with death. After the victory of Val-ès-Dunes he did not revenge himself on the defeated rebels. At the same time, he was merciless in his wrath. Though he forbore to slay his enemies, he inflicted horrible mutilations on them, and so made them living memorials of his stern cruelty. When the men of Geoffrey of Anjou defended his own town of Alençon against him, they taunted him by beating hides upon the wall and calling him "Tanner." William swore his special oath, "By the splendour of God," that he would make them rue the word, and when he took the town he caused the hands and feet of thirty-two captives to be cut off and flung into the castle, which still held out. The connexion

between Normandy and Italy taught the Normans the art of poisoning, and William was suspected of having employed this means on more than one occasion to rid himself of those who stood in his way. He had a reverent regard for the things of God, but he never allowed religious scruples to hinder him in his designs. French feudalism and chivalry exercised considerable influence over him during this period of his life. In his Angevin war he sent to tell the count how he would meet him, and how he was to be known in battle. He is said<sup>8</sup> to have shrunk from meeting the king, his lord, face to face in fight. It was in these years that William learned to adopt the system of southern warfare, the full use of cavalry, and the employment of archers. Compare the battle of Mortemer, which was wholly an engagement of horsemen, and the charge of the knights at Senlac, and it will be evident that between the two events William found out how to use heavy cavalry. Now, too, he made the Norman infantry terrible by arming them with the southern weapon, the bow and arrows. The first mention of this new equipment, which was destined to be so fatal to England, and in after years to become her peculiar glory, is in the account of the battle of Varaville.

The earlier half of the eleventh century saw the dominance of southern influence in the Norman Church. Ecclesiastical benefices were long regarded as property to which the natives of Normandy alone

<sup>8</sup> Will. of Malmesbury, iii., 232.

had a right, and bishoprics as a provision for younger branches of the ducal family. In this spirit, William gave the archbishopric of Rouen to his uncle Malger, and the bishopric of Bayeux to his half-brother Odo. In no other part of western Christendom did the ruler have such absolute power in ecclesiastical matters as in Normandy. The bishops thus appointed were often men of wholly secular tastes. Malger, for example, who never received the pall, lived as a layman, and Odo, who was made bishop when twelve years old, was rather a statesman or a warrior than a priest. Bishops and clergy alike indulged in marriage or concubinage, and many an unlettered priest wore arms and lived as though his parish were a lay fee. A considerable change in these matters was wrought when Normandy was brought under the influence of the religious revival of the German popes. William approved the movement, and during the rest of his life appointed fit men to bishoprics. The deposition of Malger by a papal legate in a council of Norman bishops, and the appointment of Maurilius, a Frenchman, who had studied at Lüttich [Liege], and had been abbot of St. Mary's at Florence, are signs of this change. The rich monastic foundations of Normandy were already filled with monks of every nation. As the Norman knight was at home in every land, so the churchmen of every land found a home in Normandy. The excuse of Lewis, that he carried off the young duke Richard to Laon in order that he might have a better education than he could have in his own land, would have had no meaning in the days of William. At St. Evroul, the abbot, Theodoric, himself

a skilful transcriber, founded a library, and urged his monks to serve God by work. He made his monastery a school and a workshop for transcribers. In vain his monks grumbled that it was little good for an abbot to sit reading and writing, while they wanted one to look after their food. "Remember," he used to say, "that only one devil tempts a monk when he is doing good work, but a thousand attack him when he is idle," and then he would repeat his watchwords: "Pray, read, sing, write."<sup>9</sup>

A more famous teacher was Lanfranc, the prior of Bec, who was destined to take a leading part not only in the Benedictine revival in Normandy, but in the conquest and government of England. The abbey of Bec was founded by a Norman gentleman named Herlwin, who retired from the world and formed a little community on his own estate. He and his brethren worked with their own hands, digging for the foundations of their church and raising its stone work. In the midst of this toil Herlwin found time to learn to read. He was made priest and abbot. After a while, the new brotherhood sought a more convenient spot. They settled in the wooded valley watered by the Bec, and there raised the abbey of Bec-Herlwin. There the founder presided as abbot when, in 1041, Lanfranc entered its walls. Lanfranc was a native of Pavia. He was a learned man, well versed in law, and a skilful pleader. Like many another, he was drawn to Normandy by the welcome which all learned men found there. He

<sup>9</sup> Orderic, 470.

taught at Avranches, and a crowd of scholars came to learn of him, for he knew all the learning of the Latin world and, it seems, also understood Greek. Suddenly he gave up all and entered the austere brotherhood of Herlwin. Crowds came after him to Bec, and his learning made the house rich and famous. After a while he became prior. The peace of the Latin church was disturbed by Berengar of Tours, a teacher of great reputation, who declared his disbelief in the doctrine of transubstantiation. At the synods of Rome and Vercelli, Lanfranc appeared as the successful champion of Latin Christendom. His victory had consequences which affected the doctrine of the Church of England, when, in after years, he became its chief pastor. Lanfranc had honour in his own land, for he became the favoured counsellor of the duke. Once he fell into disgrace. In 1049, William married Matilda, daughter of Baldwin V., of Flanders. It was a noble alliance for the Norman. Unfortunately, there was some canonical impediment to the marriage, and it had been forbidden by the popes. Lanfranc expressed his disapproval, and the duke ordered his banishment. As he left Bec he met William, and by a ready jest turned his wrath away. He was taken back to favour, and successfully pleaded the cause of the marriage at Rome. As an atonement for their sin, the duke and the duchess were ordered each to build a religious house. The stern and stately abbey of St. Stephen's at Caen is the record of the submission of William, and the smaller and more ornate church of the Holy Trinity in the same town is the work of Matilda. Lanfranc was made

the first abbot of St. Stephen's, in 1066, and was succeeded at Bec, as he was afterwards succeeded at Canterbury, by Anselm. The Norman church thus yielded to Roman influence in the reign of William.<sup>10</sup>

The Norman brought nothing with him, and can scarcely be said, by the middle of the eleventh century, to have developed anything which he adopted. All was taken by him ; all was developed for him. Up to this time, at least, he entered on the labours of others and reaped what they had sown. The only exception to this statement is, perhaps, to be found in the architecture of Normandy. In the earliest buildings of the century, traces may be found of a change from the primitive Romanesque to a special local style. The progress of this change was probably, to some extent, the result of Lombard influence.<sup>11</sup> During the reign of William, this change was more fully developed, as may be seen in his church at Caen. The special Norman style is distinguished from primitive Romanesque work by its greater severity. Where richness exists it is gained by ornament and not by any variation of form. The usual shape of the larger churches built in this style is cruciform, with a central tower, and with two smaller towers flanking the west end, with long naves and apsidal chancels. They exhibit the threefold division of arcade, triforium, and clerestory. Massive rectangular piers, relieved by shafts in the angles, support the arches of the arcade. The windows are small and round-headed

<sup>10</sup> Freeman, *Norman Conquest*, iii., 110.

<sup>11</sup> Freeman, *Norman Conquest*, v., 623.

with a deep single splay. Small spaces, such as the chancels, were vaulted, but the naves were covered with a ceiling. In St. Stephen's, traces may be discerned of the presence of the old timber roof. The characteristics of the style are clearly marked, and seem to attest an independent development. With this exception, the Normans at the date of the Conquest had nothing of their own.<sup>12</sup> Their language, law, and religion they had taken from the conquered people. They had no literature. In warfare, in culture, and in church discipline they had yielded to foreign influence. As regards morality, they had scarcely emerged from the laxness of barbarism, and the purity of William's life stands in strong contrast to the prevailing corruption. French hatred gave the Normans the nicknames of bigots and beer-drinkers.<sup>13</sup> The language in which, the chronicler of Tours tells us, Rolf swore, "*Ne se bi Goth,*" that he would not do homage to Charles, and which sounded like English to those who heard the words, may have survived in a common oath.<sup>14</sup> The reproach of beer-drinking showed an adherence to the old habit of their forefathers, while in Norman eyes the English, in their turn, seemed drunkards. Love of gain was strong in the Normans, and they sought it alike in peace and in war. Unlike the English, they were thrifty and magnificent withal. They combined stateliness and simplicity. Courteous in manner and fond of pleasantry, they concealed

<sup>12</sup> Stubbs, *Const. Hist.*, i., c. vii., 81.

<sup>13</sup> *Roman de Rou*, 9902.

<sup>14</sup> *Chron. Turon.*, *Recueil*, viii., 316.

beneath the smooth surface of their behaviour a fierce temper, which now and then broke out in deeds of startling brutality. Their women had no education, and, speaking generally, no influence for good. An arbitrary code of chivalry was already beginning to take the place of duty and honour. Yet the Normans were strong. They were a young people, full of energy, unrivalled in war, equally at home in every land, with a versatile and acquisitive genius, with a wonderful talent for organization, and with a love for such cultivation as they had yet acquired. They were exactly suited to give England those things which she lacked; to give her order, unity, and organization; and to be the means of bringing her Teutonic civilization under those Roman influences to which they had themselves yielded.

## CHAPTER IV.

## ENGLAND ON THE EVE OF THE CONQUEST.

DURING the period immediately preceding the Norman Conquest, England was thoroughly disorganized. There was much provincial vitality, but scarcely any signs of national life ; there was much civilization, but scarcely any progress. Our political strength lay in local institutions, and there was no vigorous central power to collect that strength and use it. Our civilization was our own, and insular prejudice shut out the desire for progress. The Norman Conquest did not put an end to our existence as a nation or supersede our national civilization. In political ideas, in culture, and in the habits of social life, England was in advance of her conquerors, and in time led them captive. And they were willing captives. As the Normans had already become Frenchmen, so, in turn, they became Englishmen ; but the change was not all on one side. As they adopted our political institutions, they added the elements of order and cohesion which England needed to make her strong ; as they entered upon our civilization, they gave every part of it a new and wider development. They brought into England those Romance influences which had given them their language, their law, their religion, and such culture as they knew. These influences indeed gave us no new gifts, yet nevertheless they did their work,

and left their abiding mark on our language, law, religion, and culture also.

The disorganization which prevailed in the state during the reign of Eadward the Confessor was caused partly by the great earldoms of Cnut, and partly by defects inherent in our constitution. The jealousies and wars between the ancient house of Leofric and the new and ambitious family of Godwine divided the kingdom. Northumbria, Mercia, and Wessex alike seemed destined to be the seats of governments of a feudal type. The earldoms, indeed, were not hereditary. Earls were appointed and deposed by the king and his witan. Hence, it has been argued,—“it is a mistake to think that the position of these powerful viceroys at all proves that England was at this time tending to separation; it was, in truth, tending to closer union.”<sup>1</sup> On the other hand, it should be remembered that the king and the witan were, for the most part, only the instruments of the contending parties, and that the appointment or the deposition of an earl was not the evidence of the strength of the central power so much as of the particular house or party which succeeded in snatching a triumph. In the outlawry of Godwine and his sons by the witenagemot in 1051, and in their restoration by the same body in 1052, are implied, not the energy of the central authority, but, in the one case, the triumph of the foreigners who constituted the court party, and, in the other, the renewal of the strength of Godwine’s faction, which

<sup>1</sup> Freeman, *Norman Conquest*, ii., 50.

represented English feeling. So, when *Ælfgar*, the son of *Leofric*, was banished and his earldom taken from him by the gemot held in 1053 for little or no fault at all, it is not the preponderance of the king and the witan that strikes us so much, as the growth of the power of his rival *Harold*. No signs, indeed, exist of a tendency to establish wholly separate states ; such a development would have been contrary to the spirit of the age. The nature of the danger was rather lest England should reproduce on a small scale the German polity. The tendency was towards a feudal disruption.

*Cnut's* great earldoms were not the only cause of disorganization. The lack of any signs of national unity in the different parts of England does not seem to have been conjoined with any lingering local patriotism, derived from the remembrance of the separate kingdoms of a bygone time.<sup>2</sup> It was caused by the very nature of the constitution. The growth of England was the growth of the supremacy of one kingdom—of *Wessex*—over the rest. The political machinery of *Wessex* became the political machinery of England ; but that which answered well enough for one part of the land broke down when it was applied to the whole. The *witenagemot* of *Wessex* may have fairly represented the will of the kingdom ; the *witenagemot* of England was insufficient to represent the will of the nation or to become a means of cohesion. Every part of the central administration suffered from the same cause. A vigorous king

<sup>2</sup> *Stubbs, Const. Hist.*, i., 212.

would probably, to some extent, have overcome this defect, and would have become a head, giving unity of life and action to the different members of the state ; for the tenth century had seen a considerable advance in the theoretical power of the kingship. But Eadward, in spite of his personal holiness, was a bad king ; his virtues would have adorned the cloister, they could not fit him for the throne. The labour of government was distasteful to him. He was passionate, changeful, and easily led ; he valued men who, like Archbishop Ealdred, made matters smooth. He never allowed kingly duty to come before his private wishes. Above all, he was a foreigner at heart. His education in Normandy made him thoroughly French in taste and feeling. Normans came over to England in great numbers. They were the men in whose society he delighted and whom he loved to promote. Instead of being the means of uniting the discordant parties in his realm, he added to them a faction of his own, a foreign court party. While the central machinery failed, local institutions preserved their vitality. Cohesion, self-government, and organization were in full strength in the communities of the township and the shire, and were upheld by the local courts. All holders of land still met together in their village assembly as members of one community to make by-laws for their common advantage, and to choose those who should represent them in the higher courts. They still had a place in the court of the shire, where the smallest landholder could claim right before judges in whose election he had taken part. Each shire still sent its separate

contingent to the host, and still made, through its sheriff, its separate contribution to the state. The vitality which existed in these local institutions survived the pressure of the Conquest. The feebleness of the central authority gave place to the strength of the Norman kingship.

Although feudalism, as a system, was unknown in England before the coming of the Normans, the tenure of land in the earlier part of the eleventh century was connected with conditions which bore a feudal aspect.<sup>3</sup> Grants of large estates by the crown were accompanied by rights of private jurisdiction. While the popular organization of the Hundred court remained, the court itself became in many cases the court of the lord. The king's *thegns*, or the higher nobility, were in the jurisdiction of the king alone, while they, in turn, had jurisdiction over others. Military service became, in like manner, connected with the tenure of land. Though the duty of national defence never ceased to be a personal obligation binding on each man as a member of the state and not as an owner of land, certain special services were required of the *thegns*. These *thegns* were the nobles of the later English kingship, and their rank depended on the land which they held and the rights of jurisdiction which they exercised. There is no evidence that the amount of service due from these *thegns* varied in proportion to the amount of their land. Whatever the military service was which was due from them, they expected it to be

<sup>3</sup> Stubbs, *Const. Hist.*, i., 184-194.

performed by their tenants. And many men who once were regarded as fully independent were now in this position, and were in different degrees dependent upon others. Police regulations providing for a system of suretyship caused the landless freeman to sink into a state of dependence, and even led many small landholders to commend themselves and their holdings to a lord for protection. The rights of private jurisdiction were naturally confounded with lordship, and the poor landholder who put himself under the jurisdiction of some great man was gradually considered to hold his land of the lord on the condition of suit and service at his court or of following him in war.<sup>4</sup> While, however, considerable signs of a feudal spirit may be discerned in land tenure before the Conquest, there was no organized system of feudalism until the Norman times. The small freeholders had lost their independence, but, though the word "ceorl" was translated into Latin by *villanus*, English villenage was the effect of foreign lordship.

The English church at the beginning of the eleventh century stood apart from the rest of Christendom. Her connexion with Rome was slight, scarcely extending beyond the confirmation of bishops. The union of the secular and ecclesiastical powers was strict. In theory the right of electing bishops lay with the chapter of the cathedral church, whether composed of canons or monks, though, in the case of the archbishopric of Canterbury, the clergy of the province also

<sup>4</sup> Stubbs, *Const. Hist.*, i., 188.

claimed to have a voice. In reality, however, bishops were appointed by the king and the witan, and the rights of the chapter were not always regarded. In one instance the saintly Eadward paid little attention to them. On the death of Archbishop Eadsige, in 1050, the monastic chapter of Christ Church elected a monk of their own house, named Ælfric, to the vacant see. Ælfric was well skilled in business, and a great favourite in the convent. The clergy of the province seem to have concurred in his election. The archbishop elect was a kinsman of Earl Godwine, and, as the convent lay in his earldom, the monks had a double reason for begging him to promote their wishes. The earl, though he had promised to do all he could, found the foreign influence at court was too strong for him. The king set aside the canonical election of Ælfric, and Robert of Jumièges, the Norman bishop of London, was appointed in his stead.<sup>5</sup> Few of the English bishops were men of especially religious character. Some were busy politicians—like Lyfing, bishop of Crediton, the eloquent partisan of Godwine—or diplomats—like Ealdred, of York. One alone, Wulfstan of Worcester, was famed for his religious life. For the most part, they looked on their bishoprics as lucrative offices. They took as many of them as they could get, and clung to them as long as they could. When they could not perform their duties, they still kept their sees, and served them by deputy. Accusations of simony and ignorance were frequent and well founded. Church councils seem to have ceased

<sup>5</sup> Vita Edw., 399, ed. Luard, R. S.

during this period. In the close union between church and state, the action of the witan in ecclesiastical matters took the place of conciliar activity. This union was carried into judicial administration. There must, indeed, have been a sphere of ecclesiastical jurisdiction more or less distinct from civil causes, for certain sacred things and persons were under the protection and jurisdiction of the bishops. In these causes a customary canon law was administered by the bishop or his archdeacon. But this law was administered in the ordinary civil courts of the Hundred or the shire, and the form of procedure was probably the same as that which was followed in lay causes.<sup>6</sup>

The national character of the church extended to a question of doctrine. In the famous homilies of *Ælfric*, the abbot of Ensham, which were largely used throughout England, transubstantiation is vehemently rejected, and there is reason to believe that the doctrine found little acceptance here at this period. National heroes, like Archbishop *Ælfsheah*, were counted as saints, though uncanonised by papal authority. The parochial clergy were generally married, and the bishops, while they recommended celibacy, made no attempt to force them to put away their wives. The church of England stood apart from the ecclesiastical revival which spread from Rome over Latin Christendom. It remained for the Normans to bring our land under Romance influence in religious matters as in

<sup>6</sup> "On the History of the Canon Law in England." Two Public Statutory Lectures by Prof. Stubbs, 1882.

all others. Signs of the coming change are to be seen in the appointments of foreigners to bishoprics in the reign of Eadward. The promotion of Frenchmen by the king did not arise from any principle, and was not regulated by any consideration of the fitness of the person promoted. It was simply a matter of the king's private taste. These appointments, as part of the conquest of England, will be best noticed in another chapter. Increased communication with the Continent, and especially with the empire, led to the appointment of Lotharingians as bishops. This movement has been ascribed to the influence of Godwine and Harold.<sup>7</sup> An attempt to bring in a new religious rule was connected with these appointments. Canons, for the most part, lived in their own houses with their wives and children, and were often so taken up with their worldly affairs that they were careless of their sacred duties. Gisa, the Lotharingian bishop of Wells, and Leofric of Exeter, tried to make the canons of their churches eat and sleep together. Ealdred, the archbishop of York, who had learned a good deal about ecclesiastical discipline while on an embassy at Köln, seems to have done the same at Beverley, and to have built common refectories at York and Southwell.<sup>8</sup> If we look at this movement by the light of the time in which it was made, we shall see that the common dormitory and common refectory were real improvements. For as long as canons lived in their own houses they lived like laymen, or, at best, like parish priests. It

<sup>7</sup> Freeman, *Norman Conquest*, ii., 80.

<sup>8</sup> T. Stubbs, *Actus Pontif. Ebor.*, 1704.

was no hardship to make them live according to their rule, and perform the duties which they had undertaken. And it was better to try to make them do so than to turn them out of their churches and put monks in their place, as some ecclesiastical reformers had done. King Eadward favoured monks, as might be expected from his Norman bringing up, and built his great church of St. Peter at Westminster for a monastic body. Harold, on the other hand, made his church at Waltham a secular foundation, and designed that it should help forward the cause of education. In the early part of the century, English learning was increased by the labours of *Ælfric*. Besides compiling his books of homilies, works on church discipline, and other subjects, *Ælfric* wrote schoolbooks, for he was anxious that English boys should be well educated. He did all that he could for them, speaking to them in his books in gentle and playful terms, and making them understand how great a thing sound knowledge is. From one of these books *Ælfric* was called the Grammatican. His writings represent the secular clergy, the "mass priests," as ignorant. "The unlearned priests," he says, "if they understand some little of Latin books, then think that they shall soon be great scholars." *Ælfric* tried to make these priests live worthier lives, and not "drink to madness in God's house, nor make merry over dead men [attend wakes], and such like." Yet, although the priests did not live after a strictly ecclesiastical fashion, they seem to have done good work in teaching. All priests were bidden to keep schools, and "if any brought their little ones to them for

learning to take them gladly, and teach them kindly." A far higher education was to be had at some of the great monastic schools, such as Abingdon. Thither Ælfric went, after he left his first master, the mass-priest whom he despised for his ignorance of Latin. Harold's college at Waltham was an attempt to set up a place of education on a wider basis than the monastic house. Although there is no record of any Englishman of literary eminence in the reign of the Confessor, the republication and enlargement of some of the schoolbooks of the Abbot Ælfric, by his former pupil Ælfric Bata, show that the work of education still went on.

Nor was England less advanced in general civilization than in intellectual culture. Merchants brought to our shores from distant lands silks, skins, gems, gold and ivory, oil, pepper, and wine. The *lithsmen*, or merchants, of London, were so important as to take a distinct share in a royal election. He who "by his own means fared thrice over the wide sea" attained the rank of *thegn*. Colonies of merchants from Normandy and from the empire were settled in London. A trade in slaves was carried on chiefly from Bristol, whence they were exported in large numbers to Ireland. The English towns, made up as they were of a collection of small communities, had just so much unity as to have their own courts, and to pay their own dues to the crown. London was naturally far in advance of the rest. There the tendency, which in later times became universal, of the government of the borough to become vested in the guild of merchants was already visible. And the

port-reeve, or chief civil magistrate of London, was perhaps at once the royal officer and the head of the merchants. Yet, though London and some few other towns had guilds of considerable wealth and importance, their administration was not based on commercial organization.

Until Eadward the Confessor imported a new style from Normandy, English buildings followed "the Roman fashion." They belonged to the primitive Romanesque style, which was at one time common to all western Christendom. Certain special features, found also in Romanesque buildings of other lands, distinguished the primitive English building from those of Norman times. Among these are baluster columns, such as may be seen at St. Albans, pilaster strips, and the long-and-short work of the masonry. The tall towers, standing without buttresses, sometimes in the centre of the church, but far more often at the west end, usually plain, sometimes,—as in the famous example at Earls Barton,—loaded with rude ornament, present a striking contrast to the low and massive towers of the Norman builders. It is perhaps hardly necessary to say that our forefathers were able to build with stone and brick before the Conquest. An almost perfect specimen of their building may be seen on a very small scale in the church of St. Laurence, at Bradford-on-Avon, which was probably raised three centuries and a half before the introduction by King Eadward of the new fashion from Normandy. Wood was, however, often used for building churches. The houses of the English were also built of wood, and seemed to Norman

eyes small and mean. In some arts the English excelled all Romance people. They were skilful in all kinds of metal work. Gold and silver were plentiful, and were made into cups, personal ornaments, and church vessels, richly wrought, and sometimes studded with gems. Armourers, smiths, and leather-workers furnished the English host with the implements of war. Rich and varied robes were produced by the weavers and dyers. English ladies of the highest rank practised the arts of embroidery in gold and other thread. The tapestry of the fight at Maldon was the work of the widow of the hero Brihtnoth, and the more famous stitch-work at Bayeux contains evidences that English hands portrayed the story of their country's fall. The Norman chronicler speaks with wonder of the spoils of England with which the Conqueror enriched the churches of his land. He tells how Englishwomen were skilled in the use of the needle and gold thread ; how Englishmen knew every artistic handicraft, taught by German workmen, and by the cunning work which came to their shores from distant lands.<sup>9</sup> All arts flourished in the monasteries. Chief among them was the illumination of manuscripts. The designs of these books display extreme intricacy and richness in the ornamental letters, much grace in the drapery and expression and life in the faces of the figures. Music was a national accomplishment. The harp, the zither, the flute, the horn, and the trumpet were all in common use, and organs were to be found in some churches. All Englishmen could sing,

<sup>9</sup> Will. of Poitiers, 154-5.

and improvisation was no uncommon accomplishment. The stave of four lines, with notes on the lines and spaces, was probably used here as early as the reign of Æthelred. The domestic life of the English was not without its comforts and refinements. If their houses were poor, they contained convenient furniture, splendid hangings, and soft beds. Our forefathers bathed constantly, and washed before and after eating. Women held a high place in society. They owned land, made wills, and had rights to a part of their husband's property on widowhood. Good women were held in honour, and exercised considerable influence in all matters. The two blots on English society were the habit of excessive drinking and the cruelty with which slaves were often treated.

Full of a civilization and a culture of native growth, England was trodden down by a people who had no literature, arts, or refinement of their own. The conquerors had, however, been apt scholars during the hundred and fifty years that they had been settled in their new land. With ignorant disdain they trampled on much in England of which they did not know the value. At the same time, they gave the conquered much that they lacked before. English political life was disorganized, our national spirit was weak. Isolated in ecclesiastical and secular affairs, our country had need of some power to draw her within the system of mediæval Christendom, to bring her under fresh influences, and to quicken her dormant energies. She needed to be saved from a state of helpless and discordant confusion in her

state, and from the increasing danger to her church of a spirit of secularism, arising from its intimate connexion with the state, and from the marriage of the clergy, which threatened to turn her priesthood into an hereditary possession. Rich as our literature was, and adorned even in the early part of the eleventh century by the versions of the Chronicle and the writing of *Ælfric*, in the time of the Confessor it was showing signs of exhaustion and of the need of a fresh impetus. Advanced as our general culture was, it was distinctly insular, and needed the development which Romance influence alone could give. In spite of all that the Normans destroyed, our vigorous local institutions survived the Conquest. Our national identity, our language, and our law sustained the shock, and conquered the conquerors themselves. In the general overthrow, national life was preserved by the church.<sup>10</sup> Her monasteries kept alive the spirit of patriotism ; her services perpetuated our language and the memories of the past ; and her ministers led the people to join in every struggle which was made against violence and wrong.

<sup>10</sup> Stubbs, *Const. Hist.*, i., 245.

## CHAPTER V.

## PRELUDE TO THE CONQUEST.

THE establishment of the Danish dynasty showed that England might be conquered by a foreign prince. The marriage of Æthelred and Emma, the daughter of Richard the Fearless, decided that the future conqueror should be the Norman duke. Of the two sons of Emma by her English husband, the younger Ælfred perished in an attempt on England, the elder Eadward remained in Normandy until he was sent for by his brother Hartha-cnut. Some immigration of Normans and Frenchmen followed the marriage of Emma. The position held by Hugh, "the French churl," at Exeter, and possibly also the legend which made Ælfwine, bishop of Winchester, a relation of Emma, who came over with her and held the earldom of Hampshire before he took orders,<sup>1</sup> point to the promotion of foreigners in church and state before the coming of Eadward. Fresh encouragement was given to foreign immigration by his return. His accession was hailed in France with delight.<sup>2</sup> Frenchmen had good cause to rejoice, for the new king, not content with sending magnificent presents to the French nobles, made all foreigners welcome,

<sup>1</sup> Hist. Rames., Gale, iii., 447.

<sup>2</sup> Vita Edw., Luard, 395.

settled them on English soil, and enriched them with offices and gifts. The name Frenchman was applied to these foreigners from France, to the Normans, and to others equally. French nobles were promoted to offices in the king's household, and the welcome which was extended to all monks was doubly warm in the case of those who came from beyond sea. One sign of the foreigners' power in England was the castle which Richard, the son of Scrob, raised in Herefordshire, and the wonder and hatred with which men saw this new thing in their land is preserved in the name, Richard's Castle, which the place still bears.<sup>3</sup> It was the first fortress which was raised in England for the indulgence of private insolence and greed, and not for the protection of Englishmen ; it was to be the first of many, and the evil deeds which Richard's men wrought were a foretaste of the evil times when fortresses such as his were common in the land.

Godwine, the West Saxon earl, stood as the champion of English national feeling against the prevailing French influence. Wise in counsel, eloquent in speech, and with perfect command over himself, he was well fitted for the work which he had to do. His position was full of difficulty. The king, in a great measure, owed his crown to the influence of the earl, and married his daughter Eadgyth, yet he had no love for him. Eadward liked to surround himself with foreigners ; Godwine, though he never forgot his duty to his king, was indignant at their promotion. Eadward

<sup>3</sup> A.-S. Chron., 1048; Freeman, Norman Conquest, ii., 138.

was full of religious feelings, of alms and fastings ; he was a worker of miracles and a dreamer of holy dreams. Godwine, in an age specially given to religious foundations, built no churches. Besides these differences of taste, the part which Godwine had in the death of his brother, *Ælfred*,<sup>4</sup> was an abiding source of distrust and dislike in the king's heart. Eadgyth seems to have had little influence over her husband ; and if she had any she used it on behalf of foreigners, rather than of Englishmen. The lawlessness of his son, Swegen,<sup>5</sup> weakened the power of the earl, and the partiality which he showed towards his own family was discreditable to him. He was not indeed a man of heroic mould. He was a greedy and somewhat unscrupulous politician. Nor was he, by any means, upheld by the whole English people. The earls Leofric and Siward, the rulers of Mercia and Northumbria hated the upstart house which had risen so rapidly to power, and which was ever growing greater. In order to strike an effectual blow at the predominance of the earl, it was needful to combine against him the jealousies of his English rivals and of the self-seeking foreigners who formed the court party, and to undermine his influence over the king. Robert of Jumièges, the Norman archbishop of Canterbury, was well fitted to manage this matter. His appointment to the see of London, in 1044, was a distinct step towards the conquest

<sup>4</sup> *Ælfred* landed in 1036, in the reign of Cnut's son Harold, hoping, no doubt, to gain the throne. He was seized at Guildford, it is said, by Godwine, and put to death at Ely.

<sup>5</sup> Will. of Poitiers, p. 127.

of England,—it declared that English bishoprics were to be open to foreigners. It was followed by the promotion of another Norman, Ulf,—one of the swarm of foreign priests at the court—to the see of Dorchester. These appointments were not made with any idea of increasing the learning or spirituality of the church: they were made by the king simply to reward his foreign favourites. Robert, as far as his life in England is concerned, was an intriguing politician. Ulf was ignorant and “did naught bishoplike” in his diocese. At the council of Vercelli, “they well-nigh could have broken his staff, if he had not given great gifts, for that he could not do his duty so well as he should.” Another and far more important gain was made by the foreign party when Eadward set aside the canonical election of Ælfric and made Robert archbishop. The appointment marked the decline of Godwine’s power. The new archbishop exercised an unbounded influence over the king, so that “had he said that a black crow was white, the king would sooner have believed his word than his own eyes.”<sup>6</sup> He used this influence against the head of the national party. An opportunity was given him by the refusal of the earl to march against the men of Dover, who defended themselves against the violence of count Eustace of Boulogne, the king’s brother-in-law, and by the anger with which Godwine and his sons beheld the evils which the Welshmen,<sup>7</sup> for so the foreign

<sup>6</sup> *Anglia Sacra*, i., 291.

<sup>7</sup> The word is here used in the Peterborough Chronicle, 1048, in its original sense of foreigners.

garrison of Richard's Castle were called, wrought in Herefordshire, the earldom of Swegen. The king's anger against the earl and the combination which drove Godwine and his family into exile, were the work of the archbishop.

The banishment of Godwine and his house, in 1051, gave the Frenchmen undisturbed pre-eminence in the state. During their absence, William of Normandy came over to see his cousin Eadward with a great body of followers. The strangers received a warm welcome, and when they left they carried away rich gifts. A greater gain than the gold of England fell to the share of the duke, for it must have been during this visit that he received from Eadward the promise of England itself. Such a promise could not of course bind the witan. Yet, in the eyes of men of the eleventh century it was, I venture to believe, something more than a pledge "to make a recommendation in favour of William."<sup>8</sup> Viewed in connexion with the promise said to have been given by Cnut to Emma, that the succession should belong to the children of their marriage,<sup>9</sup> with the bequest made by Cnut on his death-bed in accordance with this promise, and with the election of Hartha-cnut to a share of the kingdom, it points to a new idea of kingship. Like the change of folcland into king's land, these promises are evidence that men were beginning to look on the throne as a personal possession,—an idea which was common enough in Romance countries, though, fortunately, it

<sup>8</sup> Freeman, *Norman Conquest*, ii., 301.

<sup>9</sup> *Encomium Emmae*, p. 24, Pertz, in usum Schol.

never gained a lasting place in our constitution. The rule of the strangers ended with the return of Godwine, in 1052. Archbishop Robert and many other Normans were outlawed, because they "had raised up unjust law, and judged unjust judgments, and counselled evil counsels in this country." Stigand, bishop of Winchester, was made archbishop, and Robert went back to his abbey. He laid his case before the pope, and complained loudly of his uncanonical deprivation. His complaints formed another plea for Norman invasion. The position of Stigand was regarded as doubtful. The pope, from whom he received the pall, did not succeed in establishing his authority, and his recognition did harm to the cause which he espoused. After the death of Godwine, his son Harold, who succeeded him in the earldom of Wessex, was the foremost man in the kingdom. Like his father, he was wise and politic; unlike him, he was also generous and self-denying. In spite of the irregularity of his private life, he had strong religious feelings. A pilgrimage to Rome, his foundation at Waltham, and his special reverence for the Holy Cross, made him acceptable to the saintly king. The legend that Eadward confided to Harold his vision of the seven sleepers, and that the earl sent a messenger to Constantinople to ascertain whether in truth the sleepers had turned, though foolish enough, is a witness to the belief that the king and the earl had feelings in common about religion. With these feelings Harold combined a love of culture and an absence from insular prejudice of which his educational arrangements at Waltham, his promotion of

Lotharingians to bishoprics, and his conduct to foreigners generally are sufficient evidences. His attempts to conciliate the house of Leofric by his marriage with Ealdgyth, the sister of the earls Eadwine and Morkere, and by yielding to the Northumbrians who rose against his brother Tostig and demanded Morkere for their earl, show his desire to end the disunion in the kingdom, as well as to smooth his own path to greatness. They are examples of his power of subordinating all things to the attainment of great ends, and point to the union between his own interests and his country's good. Patient, just, and affable to all men, strenuous in action, valiant in fight, the biographer was not wrong when he spoke of him as a second Judas Maccabæus. While virtually ruling the kingdom for the last thirteen years of the reign of Eadward, he did not attempt to root out all Frenchmen from the land. After the triumphant return of Godwine, strangers were no more appointed to high posts in England. Foreign administration was over, and with it the fruit of "unlaw," of which the chronicler complains. Good law, English law administered by Englishmen, was proclaimed for all. Nevertheless, many strangers were allowed to remain or to return. Offices about the king's person were filled by strangers. There were Norman stallers, or masters of the horse, and a Norman treasurer. One Norman bishop, William of London, was allowed to keep his see. Norman Richard still held his castle in Herefordshire. Many Normans or Frenchmen were settled on English land and lived as Englishmen; still more

probably dwelt and carried on business in English towns.<sup>10</sup>

When the Confessor sent to fetch the ætheling Eadward, the son of Eadmund Ironside, out of Hungary, it is evident that the Norman influence over him was shaken. By calling the ætheling to England, the king virtually declared him his heir, and tacitly revoked the promise made to William. The ætheling came with his wife and his three children, Eadgar, Margaret, and Christina. He died soon after he landed, and died without having been allowed to see the king, his kinsman. By whose means and for what reason he was thus kept from the royal presence the contemporary chronicler, who bewails his death, did not know. It may have been the work of the Frenchmen at the court, or possibly of Harold.

This failure of the king's design brought both Harold and William a step nearer to the throne. From this time, indeed, it must have become plain to all men that one or other of them would succeed the king, for Eadgar was but a child. By the shipwreck of Harold on the coast of Ponthieu and his enforced stay with William, the Norman duke, acquired a new and powerful claim. Why the earl went on the voyage which ended so disastrously cannot be said with certainty. It may be that he was sent on some errand by the king, perhaps about the return of his brother and cousin, who are said to have been given as hostages by Godwine to the king and sent over to the Norman court. Or it may be that he was overtaken

<sup>10</sup> Freeman, *Norman Conquest*, ii., c. ix., 358-361.

by a storm when on a mere pleasure party.<sup>11</sup> This theory however rests only on the authority of William of Malmesbury, and on the probabilities of the case. And as Harold is represented in the Tapestry as having an interview with the king before his embarkation, as three ships are used in the voyage, and the earl takes with him horses and dogs, it seems clear that the worker intended to portray something more than a mere fishing excursion. Harold accompanied the duke on his expedition against the Bretons. William invested him with his own arms,—a common ceremony among Teutonic warriors, which was elaborated into the later knighthood with its attendant observances. Either at this ceremony, or at some other time during his visit, Harold took the celebrated oath. Again it is impossible to be certain as to the exact nature of the event. Some oath was certainly taken upon the relics of saints. A famous story, which, whether it be true or not, illustrates the feeling of the time as to saints and relics, records that the duke, wishing to bind the conscience of the English earl, filled a chest with relics. Over all he placed a sacred covering, the phylactery of St. Pancras, called the *Œil-de-bœuf* from the great gem which was in the centre of it. On this he caused Harold to lay his hand while he swore. Then he removed the covering, and the earl saw that he had sworn before a company of heavenly witnesses. The oath, however it was taken, was, that he would marry a daughter of the duke, and was an oath of homage, binding him to the duke. He also probably promised something more definite, for he

<sup>11</sup> Norman Conquest, iii., 677.

was in the Norman's power. Norman writers say that the earl swore, that, on the death of the king, he would do his utmost to gain the crown for William, and that meanwhile, he would put the castle of Dover and such other fortifications as the duke chose in the hands of his men. English writers are silent about the whole matter, and, as they knew the accusations of perjury made against Harold, their silence is eloquent. Whether William expected that the earl would feel bound to help him in his designs on England or not, he certainly gained a powerful weapon by thus forcing him to give him some pledge which would be broken by resistance.

For a long time, at least ever since the ætheling had been called home, the promise made to William must have been set aside by the king. Next the throne, almost a partaker in the kingly dignity, stood Harold, and to him the king, as he lay dying, commended his wife and kingdom. The election of Harold was the natural consequence of his position during the latter years of Eadward; nor, until we come to writers of a later date, is there any mention of a wish having been expressed for Eadgar or for William. Yet it was a strange event, for it was wholly contrary to Teutonic ideas that any one should be made a king who was not of a kingly line. It was this sentiment which, when Harold Harfager became king, caused the genealogy-makers, hopeless of proving his royal descent in Norway, to trace his parentage to the gods and heroes of Sweden.<sup>12</sup> Is it

<sup>12</sup> Ynglinga-tal, *Corpus Poeticum Boreale*, i., 242-251.

possible that the assertion so roundly made by the biographer,<sup>13</sup> that his mother, Gytha, was the sister, instead of the sister-in-law, of Cnut, may have been believed, and that Harold may have been looked upon as a Danish ætheling? It is certainly unlikely that this should have been so; yet the thought that otherwise his election must have seemed strange, even to those who most desired it, invests the error in the life of Eadward with a special interest.

Harold was chosen king by the chief men of all England, in accordance with the bequest of Eadward. He was crowned and anointed; but whether the ceremony was performed by the uncanonical archbishop of Canterbury, as the Norman writers say, or by Ealdred, archbishop of York, as Florence of Worcester declares, cannot be decided with certainty. The question had some importance, as regards the position of Harold as king; and the historian of the Norman Conquest considers that "the evidence of true history" sets Harold before us as consecrated "at the hands of a primate whose canonical position no man ventured to gainsay."<sup>14</sup> On the other hand, it should be remembered that Florence of Worcester, though a valuable authority, wrote distinctly on the English side, and that, from the connexion between his church and Archbishop Ealdred, he would be likely to hear and believe anything which added to the renown of the northern primate. And, though William of Poitiers and Orderic were naturally inclined to adopt any story against Harold, their testimony

<sup>13</sup> Vita Ead., p. 392.

<sup>14</sup> Norman Conquest, iii., 41, 616.

is confirmed by the witness of the Tapestry. Of the bequest of Eadward, of the election by the witan, and of the coronation by either the one or the other of the archbishops, there can be no reasonable doubt. When the duke sent to Harold to claim the fulfilment of his oath, the king answered that the daughter to whom he had pledged himself was dead ; and that as to what he had sworn about the kingdom, nothing he had promised could have any force without the assent of the witan ; that he had given his oath when he was but a subject, being forced at the time to do so, and without the knowledge of England or of his king ; and that it was not to be expected that he would retreat from the position to which he had been called by the favour of his countrymen.<sup>15</sup> Harold, therefore, did not deny some obligation to William. He had made a promise indeed, but he had done so without having any right to make it ; he had no right to keep his promise ; it would be wrong, as well as foolish, to attempt to do so. The claim of William rested on a subtle accumulation of assertions, no one of which, taken singly, gave him any right, though taken together they made up a case which was fair enough in the eyes of the men of his time. He was akin to the last king. Eadward had promised to leave him the throne, and it was asserted, though without any truth, that he had actually bequeathed it to him when he was dying. Harold had become his man, he had sworn to gain for him the kingdom which he now had, according to the Norman's view, wrongfully seized for himself. This Harold was one

<sup>15</sup> Will. Malmes., iii., 238.

of the family which had slain his kinsman *Ælfred*, and which had by its machinations<sup>16</sup> banished Archbishop Robert, and, indeed, all the Frenchmen. With such arguments, by which the wrong done by Harold and old accusations against the house of Godwine were made to strengthen the slender foundations of William's right, the Norman duke appealed to his own people and to foreign nations for help to win the throne of England, enforcing his appeal by promises of the plunder of the conquered land. His seneschal, William Fitz-Osbern, son of one of those faithful guardians of his youth who lost his life in his service, persuaded the barons of Normandy to uphold their duke. This was no easy task. The Normans declared that they were too few in number to attack so great a nation, that they dreaded the dangers of the sea—so entirely had they lost the habits of their forefathers—and that they did not see how a fleet was to be prepared.

William also sent a messenger to Rome. Alexander II. was pope, and the papal policy was directed by Hildebrand. William's ambassador laid the duke's case before the pope. There was much to tempt the interference of the Holy See. The appeal itself made the pope the arbiter of the destiny of England, and the success of the invasion, if it was undertaken at his bidding, would imply a more complete subordination of the English church to Rome. Yet many of the cardinals withheld Hildebrand when he advocated the cause of the duke, and in after days reproached him with the bloodshed in

<sup>16</sup> "Arte sua." Henry Hunt., 761.

which he made himself partaker. Hildebrand, however, gained his point. A consecrated banner and a ring were sent from Rome to mark the pope's approval, and William went forth as on a holy war to bring the Church of England into subjection to Rome. Nor were the Normans left to undertake the enterprise by themselves. Lured by the hope of plunder, adventurers flocked from every part of France, from Britanny most of all ; but also from Poitou and Burgundy, from Flanders, and from the border-lands of the Walloon people, to join the great host which was gathering round the duke. For the most part, indeed, the host was led by Normans ; for it was no undisciplined horde which marched beneath the order of him " who was stark beyond bounds to men who gainsaid his will." Its life and order were supplied by the conquerors of Mortemer—by men, it may be, who had met and routed the Saracen in Italy and in Spain. Nevertheless, the conquest of England was the work not of one duchy alone, but of men from every part of Gaul and Flanders.<sup>17</sup>

<sup>17</sup> Orderic, 493, 494 ; Guy of Amiens, 250-260.

## CHAPTER VI.

## THE CONQUEST.

THE battle which on the 14th October, 1066, decided the fate of England, has received from Orderic the name of Senlac. In our native Chronicle it is simply the battle "at the hoar apple tree," the mark of some ancient boundary. No lack of valour caused the defeat of the English : no lack of skill on the part of Harold made their valour unavailing. No better plan could have been devised than that which drew up the English host in a position of defence, so as to bar the road to London. Set in close array behind a palisade forming a kind of fortification, shoulder to shoulder and shield to shield, the army of Harold presented a steady and immovable front to the Norman attack. The battle-cries of both sides have been recorded in the verse of Wace. The Norman shout "Dex aie" was answered by the English "God Almighty," or by the name of the Holy Cross, the object which Harold loved to honour, while as each foe tried in vain to press through the palisade or break the shield wall, the cry "Out out" declared the swing of the English battle-axe. A detailed account of the battle has been given elsewhere with a rare combination of critical exactness and epic grandeur.<sup>1</sup> It

<sup>1</sup> Freeman, *Norman Conquest*, iii., c. 15.

will be my endeavour here to mark the causes of the Norman success. The invasion of Tostig and Harold Hardrada, king of Norway, which was undertaken in concert with William, did something to weaken the English power of defence. At Stamfordbridge, where after half a century the place of battle was still heaped with the bones of warriors, many of the bravest English fell in the long day's struggle. On the third day after Harold's victory over the Northmen, William landed at Pevensey. It was always hard to keep an English army together, composed as it was of levies from the different shires. Earlier in the month, while the fleet of William waited for a favourable wind, the ships and men dispersed which Harold had gathered. And now, after the victory, some left the army, angry, it is said,<sup>2</sup> because Harold made no division of the Northmen's spoils. Far more serious was the defection of the northern earls, Eadwine and Morkere, who, in spite of the efforts of Harold to heal the old jealousy between the houses of Leofric and Godwine, and of the deliverance which he had wrought for them at Stamfordbridge, now stood selfishly apart from him in his hour of need. It is impossible to determine the numerical strength of the English army. By native writers Harold is said to have "fought before his host had all come," while the Normans speak of its immense number. The most serious effect of these divisions was, that his army contained no well-armed troops, except in the centre, where the house-carles and thegns of the king and

<sup>2</sup> Will. Malmes., ii., 228.

such picked bodies as the levy from London were massed closely together. The light-armed foot had only such weapons as they could find,—stakes or forks, or the like.

The victory of the Normans, however, was due to the organization, discipline, and arms of the south, rather than to any incidental causes. It was due to the perfect use which William made of his archers and his cavalry, the special instruments of southern warfare. Against the downward shower of arrows the hardihood of the English could avail nothing. Repeated charges of horsemen covering and relieving the foot wearied the defenders of the hill. A feigned retreat and a rapid rally, movements which William's disciplined cavalry was well able to perform, induced the irregular troops of the English right to leave their station, and really decided the fortune of the day. A fatal sameness in weapons and tactics pervaded the English host. Every man fought on foot. Among the light-armed there were scarcely any archers, for though the bow was used commonly enough in sports, it was not until the Normans had taught us its use as a weapon that the English became the best archers in Europe. All the most efficient troops had, like the Normans, coats of mail, helmets, and shields. They had javelins to cast at the first attack : and when these were thrown, some depended on the old national broadsword, and by far the greater number on the heavy two-handed axe, which had been more lately brought into use. Terrible as this axe was in the hands of men like Harold, who, as each foe came within his reach, smote down horse and man at a blow, it left the body exposed

at the moment of using it. Far more fatal was the national formation of the English battle, where men stood in the closest order, forming a wall with their shields. While no mode of array could be stronger so long as the line remained unbroken, it made it hard to form the line again. It also had a tendency to encourage a want of self-reliance. In his place in the mighty wedge each man felt strong; when that was lost, he was weak. Two cases of careless and insubordinate pursuit, at one time of the enemy in actual flight, at the other feigning to flee, show a considerable and fatal lack of discipline. On the other hand, the invaders were all well armed, the light foot with bows and crossbows, the heavier infantry with swords, and the squadrons of horse with swords and lances. The army was divided into three lines, and each made its attack or sought relief, advanced, retreated, and rallied, as it was commanded.

When Harold fell, struck by a Norman arrow, the strength of England fell with him. Englishmen did not see this at first, and had to learn it by bitter experience. Their first lesson was not long delayed. Within the walls of London the seamen or merchants of the city held counsel with the great men of the kingdom, as they had done at other times about the election of a king. Eadwine and Morkere sought the votes of the citizens in favour of one or other of themselves. It was in vain, and Eadgar the ætheling, the son of Eadward, young in years and in understanding, was chosen to the vacant throne. The Londoners made ready to fight for their king. Then the two earls, disappointed of their hope,

deserted the national cause. They went back to their northern land, thinking that the Conqueror would be satisfied with the south, and would leave them in peace. During the short reign of Harold there had been signs of rebellion in the north. Then he went down thither, and made England one again. At Stamfordbridge the forces of the south defended the northern part of the kingdom. At Senlac, in spite of the absence of the northern earls, an army not unworthy of England gathered round the Dragon of Wessex. But now that Harold was dead, private jealousy ruined all hopes, and, in the words of the Chronicler, "as it ever should be the forwarder, so was it ever from day to day backwarder and worse, as at the end it all went." The desertion of the northern earls led to the submission, at Berkhamstead, of Archbishop Ealdred, of the ætheling Eadgar, of the northern earls themselves, and of all the best men of London. "They bowed themselves for need" is the sorrowing comment of the Chronicle. Not strong enough to uphold a king of the old race, as the servants of Ahaziah refused to fight for one of their master's sons, and declared themselves the servants of Jehu, so the great men of England called on William to be their king. He was hallowed king by Ealdred, who "pledged him on the Gospels." "Standing before the altar, in the face of the clergy and people, William swore that he would defend the holy churches of God and their rulers, that justly and with kingly care he would rule all who were subject to him, that he would set up and keep

good law, and would utterly forbid rapine and unjust judgments.”<sup>3</sup> Elected, accepted, sworn, crowned, and anointed, William was now lawful king. It now only remained for him to enforce his acknowledged rights.

When, in 1067, William left England to enrich his duchy with the spoils of the conquered land, his authority was fairly established over the south and east of England. A large part of Mercia, Northumbria, and the shires in the extreme west lay as yet outside his dominion. Until 1071 the work of conquest went on with varying success. Among the chief epochs in its progress<sup>4</sup> came first the conquest of the west, which followed the return of the king from Normandy. The leading event in this campaign was the subjugation of the city of Exeter, where the citizens presumed to offer the Conqueror the payment made to former kings, with a bare acknowledgment of his authority, and, upheld by the men of all the western land, to shut their gates against him. In the spring of 1068 the west was subdued. Before long a general movement in the north of England, headed by Eadwine and Morkere, by Gospatrix, whom William had made earl of Northumberland, and other great men, forced the king to march as far as York. Eadwine and Morkere deserted the cause, and again made peace with William. Eadgar the ætheling with Gospatrix and many others took shelter in Scotland. On his march William received the submission of the shires of middle England, and

<sup>3</sup> *Flor. Wig.*, i., 229.

<sup>4</sup> Freeman, *Norman Conquest*, iv., c. 18.

secured them by building castles in their principal towns. Another revolt of the north, aided by the Danish fleet in 1069, again called William to York, and even further; while other movements on the Welsh border and in Somerset were put down by his lieutenants. The desolation of the land and a bribe to the Danish leader were the means of establishing his power in the north by the early part of 1070. In that year Hereward raised a revolt in the Isle of Ely, and he and his companions defended themselves so vigorously that William had to put forth all his energies to subdue them. At last, in 1071, Earl Morkere and most of the garrison of the island yielded themselves up to the king, and the work of conquest was at an end.

Brave as the resistance of the English was, it was ineffectual because it lacked any concerted action. For instance, in 1067, three distinct movements took place. William left England in charge of his brother Bishop Odo and William Fitz-Osbern. In the absence of their master they ruled unjustly. "They wrought castles widely throughout the land and poor folk they oppressed," is the comment of the chronicler on their administration. In Kent, the earldom of Odo, the men of Dover sought help from their old enemy, Eustace of Boulogne. In Herefordshire, where Fitz-Osbern was earl, and where Richard's castle threatened the land, Eadric, called the Wild, harried the country, in alliance with the Welsh. A local feud disturbed the north. Copsige, once the lieutenant of Tostig, was made earl of Northumberland by William in place of Morkere.

The government of that part of Northumbria, now called Northumberland, had been given by Morkere to Oswulf, a descendant of the old earls. The appointment of Copsige, the head of the party of Tostig, was evidently intended by William to be the means of crushing Morkere's party, and so bringing the north into subjection.<sup>5</sup> Copsige warmly took up the king's policy and turned Oswulf out of his government. Oswulf wandered like an outlaw in the forests in sore need. He was joined by a band of men in like case. With these companions he came suddenly on the earl as he was feasting at Newburn. In the uproar of the attack, Copsige escaped to the church hard by the hall. Then Oswulf and his men set the church on fire, and as the earl, driven by the flames, came to the door, Oswulf cut off his head. These movements had no connexion with each other, and so bore no abiding fruit. In the same way, the next year, the resistance of Exeter and the western shires, the rising in the north, and an attack made by the sons of Harold on Bristol and the coast of Somerset, seem to have come one after another, and were put down without much difficulty.

The death of Harold left Englishmen without a leader. No one stood forth to give unity to the struggles of the people as he would have done. How terribly men felt their need of a leader is shown by the invitation of the men of Dover to Eustace of Boulogne. Help was sought from foreign kings, and sought in vain. Malcolm of Scotland, indeed,

<sup>5</sup> Simeon Dunelm, 204.

received the English exiles, Eadgar and his sister, Gospatrix, and others. Swend of Denmark promised help, and at last, after long waiting, the Danish fleet came in 1069. All the north was in a blaze of rebellion. As the fleet sailed up the Humber, Archbishop Ealdred prayed that he might not see the woes which were coming on his church and city, and so died. Very joyfully the English joined their allies. York was set on fire. In despair, the Norman soldiers made a sally. At the gate stood Waltheof, the son of Siward, the mighty Northumbrian earl, tall and strong, with huge chest and sinewy arms,<sup>6</sup> and as each Norman sought to flee, he smote off his head. The hated castles with which William had bridled the city were destroyed. Then, after all, the revolt ended in failure, and the Danish fleet turned away to plunder the coasts of England. Strong and brave as the English were, they needed some one on whom to lean, and the leaders sent by Swend were broken reeds. In consequence of this absence of unity of action, William was able to use the people of one part to put down the revolt of another part of England. When one shire or city was brought to acknowledge his authority, it had to send its men when the *fyrd*, or national militia, was called out, to follow the king to battle. Thus Englishmen were compelled to fight against the cause of England. Another means which William took to subdue the land was by building castles. Orderic remarks how very few such

\* Will. Malms., iii., 253.

buildings existed in England before the Conquest, and says that this was a cause why the English could offer no effectual resistance to the Normans. When William left Bishop Odo and William Fitz-Osbern in charge in 1067, he bade them build castles about the land. As each town submitted to him its obedience was secured by one of these fortresses. Raised on a mound, often on the site of some earlier work by which Welshmen or Englishmen had defended their homes, the square and massive Norman tower seemed to threaten the town beneath with the violence of the conquerors. The townsmen hated it because their peaceful homes were ruthlessly destroyed to make room for it, because it was the ever-present sign of foreign domination, and because it held men who were ready to oppress them. Besides royal castles, a large number were also built by different lords. A time came when the men who dwelt within their hated walls made them the scenes of every devilish cruelty.

The Conquest was rendered specially terrible by the destruction of property and the devastation of land which accompanied it. A vain resistance, or the foundation of a castle, or the vengeance of the Conqueror, or the tyranny of earl or reeve, brought desolation into many towns. In Oxford, for instance, out of 741 houses, 478 were so ruined in 1086 as to be no longer taxable. By destroying the country at his landing by fire and sword, William forced on the battle of Senlac. The rich lands of Somerset suffered heavily in 1069, when Geoffrey, the bishop of Coutances led a force largely composed of English-

men, as was so often the case, to relieve the castle of Montacute. Domesday records how the bishop's army as it passed left ruin behind it, sometimes in a narrow line, sometimes in detached spots, sometimes in a broad belt of wasted land.<sup>7</sup> Far more terrible was the harrying of the north in 1070, when William deliberately laid waste the whole land between York and Durham. Provoked by the repeated struggles against his authority, and sternly determined to put an end to them, in a time of peace (for the revolt was crushed), and in the winter weather William set out with his army to desolate the country. Never was work done more thoroughly. In the roads and in the silent streets of once flourishing towns the corpses of men and little children were left rotting on the ground, for there was no man to bury them. Wild beasts made their lairs where once had stood the homes of men. The land was left untilled, and, in the straitness of the famine, men ate the flesh of dogs and horses, and even of their own kind. Fully half a century later William of Malmesbury wrote how piteous it was to see the land still lying waste and so changed from what it had been, that no man could know it for the same. Of those who escaped with life, some fled from the stricken land, and others sold themselves into slavery that they might eat a morsel of bread.<sup>8</sup>

In spite of their lack of union, and though they found none to lead them; in spite of the awful

<sup>7</sup> Vestiges of the Norman Conquest in Somerset, by Rev. J. Bennett, *Somerset Archaeological Journal*, xxv.

<sup>8</sup> Sym. Dunelm, 199; Orderic, 514; Will. Malms., iii., 249.

thoroughness with which William did his work, using the very forces of the nation against it, confirming his conquests everywhere by raising castles, and turning the land where he would into a desolate wilderness, the resistance of the English was long and stubborn. Apart from those qualities which we believe ourselves to have inherited from the men who dared to brave the wrath of the Conqueror, this resistance was made possible by the very condition of the land. The forests, mountains, and upland moors of Northumbria gave shelter to bands of outlaws who were ready for any deed of daring, and the great men of the north who were received by Malcolm of Scotland were able to join these bands at the right moment, and, after a revolt, to retreat again in safety. While the character of the country favoured irregular warfare, it hindered the movements of an army. In the winter march of 1070 from the Tees to York, through the wild district of the Hambleton hills, William and his army encountered much fatigue and danger. Still worse was his march undertaken a few weeks later through the broken country between York and Chester, when the difficulties were so great that the men of Anjou, Britanny, and Maine who were with him were loud in their demands that they might leave the army. When the vast moors of Somerset, at that time perhaps not far off 170,000 acres in extent, lay undrained, and the forest of Selwood lay at its back, the men of the shire felt that they had some protection from attack. In the western borderland, Eadric the Wild and his Welsh allies could issue forth from wooded and mountainous

places which none could penetrate, to ravage Herefordshire and burn Shrewsbury. In the east, William had to pursue the Danish crews into the almost inaccessible marshes of Lindesey ; and when the peace of desolation had settled down upon the north, the Fenland rose in revolt. The island of Ely was the centre of resistance. There Hereward, whose real fame is dimmed by the romances which gather round it, dared to keep the passage of the Ouse against William and his army. At last, Earl Morkere and all the rest surrendered,—all, indeed, save Hereward and the few who followed him, and they took to the marshes, and he led them out boldly.<sup>9</sup> The island was the last spot in England which withstood the Conqueror. And when we read how, in after times, Eadric went with William to Scotland, and Hereward led Englishmen to ravage Maine at the bidding of the Norman king, we may be sure that neither mountain nor fen could any longer enable the patriot to resist the foreigner, and that the conquest of England was complete.

\* Ang.-Sax. Chronicle, *sub an. 1072.*

## CHAPTER VII.

## THE DISTRIBUTION OF THE LAND.

WHEN William sought to raise the courage of the Norman nobles for the invasion of England, he bade them mark how he promised to distribute the wealth of the English king, as though it were already his own.<sup>1</sup> By such promises he drew together the crowd of adventurers who followed him. When their work was done, these men looked for their reward. While the mere mercenaries were paid and dismissed, the men of his own duchy, and the host of those who joined the expedition as volunteers from different parts of Gaul, remained to receive their share of the conquered land. Feudal tenure was universal throughout the Frankish empire, and was naturally retained by the conquerors in their new home. By this tenure all land was held of some lord, on condition of service or rent. It involved homage or the act by which the tenant became the man or vassal of the lord of whom he held, and the oath of fealty by which he swore to be faithful to him. Some approach to this tenure was made, as we have seen, in England before the Conquest. The Normans brought the relationship between lord and tenant to a system, and made that system universal. There was, however,

<sup>1</sup> Will. Pict., 124.

a wide difference between the feudalism which the Normans set up in England and the system which prevailed on the Continent. On the Continent feudalism implied the weakness of the crown. The obligation of the tenant ended with the lord immediately above him, and when the apex of the system was reached, the king was lord of those who held immediately of him, of his tenants-in-chief, often at least as powerful as he was, but he was not lord of those who held of them. William had seen the evils of this system. He took good care that feudalism should not affect the constitution of his kingdom, that it should in no way weaken his own power. He guarded against this by various means. As regards the right to land, he made his grant the root of all title ; he assumed the place of the lawful successor of King Eadward, and he made the new grantees step into the exact position held by their English predecessors. He distributed the estates of the most powerful landowners throughout the country. And he brought all men who held land into immediate relationship to himself. By other means also, which belong to his system of administration, he kept feudalism from becoming a disintegrating force in the constitution.

In his dealings with the land of England, William did not proceed with violence. Claiming the throne as his by right, when that right had been established by wager of battle, he acted as a king who had been kept out of his own by rebellion. All crown lands naturally became his, and the change of folcland into king's land, which had been going on for a long time, was thus finally confirmed. He

had also, in virtue of his claim to the throne, a claim on all the land of the country which had refused to receive him as king. As we have seen, the Conquest was a work of time. No sudden and general confiscation was therefore possible, nor did it enter into William's plan. His first measure was to seize the lands of certain special offenders, of Harold, of the house of Godwine, and of those who fought at Senlac. Generally, however, at the beginning of his reign, the English were allowed to redeem their lands, and received them back on their submission to the Conqueror. In the course of the conquest, fresh land fell into his power. With this he dealt as it seemed good to him. And as men who had received regrants joined in opposing him, their land became forfeited. So the process of confiscation went on, and William had ample means of satisfying his followers. In all cases, save those of ecclesiastical property, whether land was held by Englishmen or Frenchmen, the only valid title to it was derived from the direct grant of the king.

The settlement of land effected by the Conqueror is recorded in Domesday. This famous record is the result of the survey ordered by the king in 1085, after "very deep speech with his witan." The primary object of this survey was to gain a correct basis for taxation. As an assessment-book, Domesday was not the first of its kind. A survey of some sort was made for the purpose of taxation in the reign of *Æthelred*, and so late as 1084, when, in prospect of a Danish invasion, a tax was levied of six shillings on the hide of land, geld-rolls were drawn up for its assessment.

Besides serving this purpose, the survey enabled William to know what force he could bring into the field, and, in spite of the wide change of ownership, it informed him of the right by which each man held his land, and of the service which was due from him. Domesday has come down to us in different forms and pieces. The principal book, called "Liber de Wintonia," or the "Exchequer Domesday," consists of two volumes. In one of these is set out a short notice of the land and its owners in thirty-one shires, both in the time of King Eadward and at the date of the survey. The other volume contains a fuller report of three shires—Essex, Norfolk, and Suffolk—not included in the first volume. The omission of Northumberland and Durham is a silent witness of the devastation of the north. Cumberland is, of course, left out, as it did not form part of William's kingdom. Lancashire is not described by name, though the Furness district is included in the survey, and other parts of it are found under Yorkshire and Cheshire. Another book, kept by the chapter of Exeter, and called the "Exon Domesday," contains a fuller report of Wilts, Dorset, Somerset, Devon, and Cornwall, which are also described more briefly in the Exchequer book. A third record, the "Ely Inquest," deals fully with the lands of the abbey.

For the purpose of the survey, the kingdom was divided into districts, probably nine in all, containing neighbouring shires, and a body of commissioners was sent down into each district. By the terms of their commission they were to inquire who held each estate in the time of King Eadward and at the present time;

the extent and character of the land ; what men dwelt upon it ; whether any increase or loss had come to the estate ; its value at the two points of time ; what each freeman kept, or had kept, on it, how much it rendered in the time of King Eadward, when King William granted it, and at the present time, and whether the amount could be improved. The names of one set of commissioners have been recorded. They were four in number, and were all men of high position. Each set of commissioners came down to its district, bringing their own clerks with them. In each hundred, or wapentake, to which they came a special meeting of the hundred was held. At this court they gained their information concerning the district from the sworn witness of the sheriff, of all the French barons, of the whole hundred court, of the priest, the reeve, and six villeins of each township. Their clerks wrote down the result on separate rolls or leaflets. No inquest before this had been so searching, for the Normans loved exactness and legal accuracy. Such an inquiry was very grievous to Englishmen. "It is shame to tell," writes the chronicler, "what he thought it no shame for him to do. Ox, nor cow, nor swine, was left that was not set down upon his writ." In some places, either this indignation, or else disputes about property, led to bloodshed.<sup>2</sup> Many questions about title were raised. These the commissioners did not attempt to settle. They simply entered them in a distinct register as *Terra occupatae*, or *Clamores*, or under some like heading.

<sup>2</sup> Flor. Wig., ii., 19.

When a set of commissioners had gone through all their district they sent up their rolls to the king's court at Winchester. None of these rolls have been preserved, though it is probable that the Ely Domesday is a twelfth-century transcript from them. All the rolls must have been taken into the king's *scriptorium*. The clerks there had a busy time. The codex had to be finished, so the king commanded, by Easter Day, April 5, 1086, and it was not mere copying that had to be done. For instance, in all cases, except the eastern counties, which, we may suppose, were first taken in hand and begun on a larger scale than could be maintained, the entries about cattle were to be left out. What must have caused the greatest trouble was, that a wholly new arrangement had to be followed. The different shires had to be described in the codex, not, as they were surveyed, by hundreds, but according to tenure, according to their division into fiefs and baronies;<sup>3</sup> so that the clerks had to extract all the entries about the property of each man in every hundred and arrange them together.<sup>3</sup> The work was probably overlooked by some bishop, for we know that Remigius, bishop of Lincoln, was the head of the commissioners of the midland counties. Besides the general superintendent of the work, who was, perhaps, Geoffrey of Coutances, one of the king's justiciaries, the master of the scriptorium would always be present to urge on the work and supply the scribes with pens, knives, and such like. The Exon Domesday

<sup>3</sup> Eyton, Notes on Domesday, p. 16.

seems to have been compiled from the commissioners' rolls independently of the Exchequer book.<sup>4</sup> It was a separate record of the survey, and was probably made for local purposes. Some fragments of the inquest of 1084 have been bound up with it. The work in the scriptorium was done by the appointed time. Men called the book Domesday, for to the English the inquest seemed searching and terrible as that of the Last Judgment, while the name seemed appropriate to the Norman lawyer from the finality of its decisions.

Domesday presents an absolutely trustworthy record of the distribution of land, and to some extent of the condition of the people, and even of the political ideas of the Conqueror. In the division of land two systems were used by the commissioners, measurement by *hides* and by *carucates*. The hide was the old English division used in assessment for the danegeld. It does not represent a constant quantity of land, and is a measure of value rather than of extent. The carucate was a term brought in by the Normans. Where it is used along with the hide, it denotes a hide which did not pay geld. It was variable in extent. Its essential component was the single ploughland (*caruca*) which might be ploughed with one team of oxen in a year. From a passage in Fleta<sup>5</sup> it seems that where a system of three crops prevailed the ploughland consisted of 180 acres, of which 60 were for summer crop, 60 for winter and 60 for fallow, and in land cultivated under the double system it consisted of 160 acres of which 80

<sup>4</sup> Eyton, *Domesday Studies*, Somerset, p. 5.

<sup>5</sup> Fleta, ii., c. 72.

were in tillage and 80 in fallow. Other constituents such as woodland and meadow were also included in the carucate. Where the carucate is used without the hide it must be considered as equivalent to it. Domesday bears witness to a general spoliation of the larger proprietors. Some lost all their lands ; others retained only a portion of them. This confiscation varied in severity according to the amount of resistance offered to William. In Kent not one Englishman appears as a tenant-in-chief, and in Surrey and Sussex it is nearly the same. Among the land-owners of Somerset eighteen English thegns appear. Of these, however, only one was a man of considerable wealth. In Wiltshire the number of English landowners was remarkably large. In Lincolnshire greater estates remained in the hands of English landowners than in any other part of the country. Wide as the confiscation was in the case of smaller holders, it was by no means equal to that which fell upon the richer class. In all cases the tenure of land was made feudal. A few landholders are styled alodiaries in Domesday. Even these held of others, because, though they had not received their lands from a lord, they were within a lord's jurisdiction. Some of William's chief men received very large grants, for the whole number of lay tenants-in-chief of the crown was under 700 and several of these held each only one estate. William, however, when he made many grants to a single man distributed them through different shires, so that the possessions of the richest landowner should not make him a match for his king. The estates, for instance, of Robert of Mortain

lay in nineteen shires besides those which he held in Wales, and those of Bishop Odo in seventeen shires.

When a Norman received an estate of any considerable size he divided it into two parts. Of these he kept one in his immediate possession as his *demesne*, and granted the other out to be held by free tenure of himself. The whole estate was called his *Manor*. In one part stood the hall of the lord, his arable and pasture lands cultivated by the villeins who dwelt on the demesne and his mill at which they were bound to grind their co<sup>n</sup>g. At a little distance were the dwellings of the villeins. These villeins were the ceorls of the times before the Conquest. Each lived in his own dwelling and cultivated a separate piece of land, while he had to take his share in tilling for the lord. There were several distinctions between men of this class which it is difficult now to understand. Though their homes were as yet their own, dependence on their lord and stricter obligations to him had for some time been growing up and were strengthened by the superimposition of a foreign lord of the manor. Round the manor-house were clustered the huts of men described as *Bordarii*, men who were perhaps before the Conquest landless ceorls, and who now lived in dwellings assigned to them by the steward. On different parts of the manor were the holdings of the free tenants, and a wide waste on which the freehold tenants or socagers and the villeins had their own rights of common. As the court of the township continued to exist after it fell into the hands of an English lord, so it also existed under a foreign lord of the manor as the court baron, and

where the English lord had had jurisdiction of *sac* and *soc* there his foreign successor held his court leet. No part of this manorial arrangement was, perhaps, wholly new except in name. The lands of the Englishman became the manor of the foreigner. That was all the difference, and yet the difference was not small ; for if it did not imply new institutions it did imply that a new spirit had entered into the old.

Great as was the change wrought in land tenure during the reign of the Conqueror, it was wrought silently and without legal enactment. The French tenant - in - chief took the place of the king's thegn. His obligations remained the same. As William in his own eyes was the rightful successor of King Eadward so every landowner succeeded to the position of his *antecessor* who held the estate in the time of King Eadward. The reign of Harold is not recognized in Domesday, and the landowner by the grant of William is treated as though he were the heir of the owner in Eadward's days just as the king chose to look upon himself as Eadward's lawful heir,—a way of regarding his position which had much to do with the preservation of the continuity of our history. Though the countless conditions of English tenure were reduced to the one system of feudalism, there is no mention of military tenure or knights' service in Domesday. The old obligations in respect of military service remained the same as before the Conquest. Dwelling on his separate holding and with distinct rights, the villein seems at first to have been little, if at all, worse off than when he was called a ceorl. At the time of Domesday

he was far removed from a state of slavery. By his sworn witness in his ancient court, given along with others, the survey itself was made. But the Conquest, bringing with it a Norman lord and the doctrines of feudalism, put him in a position which was certain to grow worse. His land was now considered to be distinctly held of a lord, and from that lord's power he could not remove it. So his land soon came to be regarded as held at the will of the lord and he himself as a mere irremovable appendage to his lord's estate. And as the varieties of English landholding were exposed to the strict reasoning of the Norman lawyers, the different classes of villeins were confounded together, and the condition of the whole was reduced to servitude. From this state they were at length relieved by the customary court of the manor which afforded evidence of their holdings. Their degradation, however, belongs to a later age. The ceorl, who once fully owned his land, and who in the later days of the English kingship had become to some extent dependent on a lord, was regarded in the Conqueror's time as a husbandman attached to the soil, but, nevertheless, with political and personal rights and duties. As regards the payments made from land at the time of the survey, Domesday shows an increased rental yielded by the king's land as compared with the time of King Eadward. And this is specially true of the royal boroughs, for though their customs were left unchanged, they were more heavily taxed than under the native kings, even in cases where many houses were in ruins, and there were, therefore, fewer to bear

the burthen. The change also from payment in kind to a fixed money rent which was now beginning to be brought about was probably at first against the interest of the payers. In spite of all this, it has been calculated that the troubles of the Conquest reduced the value of the kingdom to about three-fourths of the amount yielded in the time of King Eadward.

A law ascribed to William enacted that every freeman should take an oath that he would be faithful to the king against all other men. This law was the expression of a memorable fact. In a great assembly held on Salisbury plain in 1086, William gathered together all the holders of land, and all, whose men soever they were, did him homage and swore fealty to him. So it was that, the same year that saw the completion of the record which bears witness to the universal establishment of the feudal system of tenure in the place of the manifold conditions of English landholding, saw also the act which secured England against the disruptive tendencies of feudal government. Teutonic disorganization was thus disciplined by a king who was fully under Romance influences.

## CHAPTER VIII.

## THE SETTLEMENT OF THE CHURCH.

FROM the close union between church and state in the early English polity came evil as well as good. The unity of the church had given unity to the state, had taught the Northumbrians, Mercians, and West Saxons to look on themselves as one nation, so that it has been truly said that the Church of England existed before England herself. And now in the time of the nation's trial the church supplied no small part of that power of national life which endured, and finally triumphed over, foreign oppression. Up to this time the life and growth of our church had been, to a great extent, free and independent. Our churches were built after a special modification of the universal Romanesque style, and their services and sermons were in our native tongue. Kings and bishops and holy men of our own land received the honours of saints and martyrs. Ecclesiastical jurisdiction and preferment were within the range of our national system. Legatine interference was rare.<sup>1</sup> At the same time, the national character of the church had a tendency to weaken its moral influence. Its union with the state, to some extent at least, brought it down to the same level, and society lost the exalting influence which it would have received from a church

<sup>1</sup> Stubbs, Cons. Hist., i., c. 8., sec. 90.

standing apart from it and above it. For the most part, the bishops of the age immediately preceding the Conquest were men of no special sanctity or learning. Pre-eminence in either of these was more often found in the cloister than in the episcopate. Here, however, as in the rest of western Christendom, the Benedictine rule had become relaxed. The great ecclesiastical revival of the eleventh century took its rise from the reformation of monasticism which was wrought at Cluny. By this movement the church was saved from sinking to the level of the world around her. Her special danger arose from the degradation of clerical persons and offices : it was met by enforcing clerical celibacy and by strictly forbidding simony. Hildebrand, as the minister of popes, and as pope himself, tried to make secular rulers the instruments to carry out this spiritual reformation, and so, by exalting and purifying the church, to exalt and purify society. He failed to make them his allies in this work, and he therefore strove to make himself their master. England lay outside the influence of the ecclesiastical movement of the eleventh century. Her church life needed reinvigoration. The close connexion between church and state in legislation and jurisdiction had caused conciliar action to cease, and had made the law about sacred matters undefined and chaotic. Her church system needed reorganization. The Norman Conquest, by bringing England under the Roman influence, which was quickening Western Christendom, supplied her church, no less than her state, with vigour and organization.

In his dealings with the rulers of the church, William was under a double influence. He owed much to Rome for espousing his cause against Harold, and the papacy had its special grounds of offence against several English bishops. He found, too, that English churchmen were on the national side, and that the Conquest would not be complete until he had made church as well as state bend to his will. The visit of three legates to England, in 1070, was his opportunity for at once gratifying the pope and serving his own cause. Both ends were answered by the deposition of Stigand, the uncanonical archbishop of Canterbury, while the death of Ealdred enabled William to place a Norman in the northern province. Lanfranc, the Italian lawyer, the teacher of Avranches, the monk of Bec, the abbot of Caen, was chosen by William to rule the church. King and archbishop worked together in full accord. Both alike were men of pre-eminent ability; both alike possessed the art of choosing the best means to bring about their ends. Gradually, by deposition or by death, the English bishops gave place to foreigners. Wulfstan, the sainted bishop of Worcester, unlearned as he was, alone kept his see, and lived to do good service in the cause of order both in church and state. Gradually, also, the rule over English abbeys was given to foreigners. The bishops appointed by William were for the most part fitted for their office. They were men of high character and learning. In his appointments to abbeys he did not always choose so well. The monasteries were the home of English national feeling.

In them some of the noblest born of Englishmen found refuge. In them the chronicles of the fallen people were written and preserved. In them many of the richer English had deposited their wealth. This wealth, however, was not saved by the sacredness of the places where it was laid up, for the king had it all seized and confiscated it. William, in order to keep the monks in subjection, and Lanfranc, from a wish to bring them to a stricter life, joined in appointing abbots who ruled their convents with severity. And although the appointments of William were free from the almost universal taint of simony, he put men over the abbeys who were willing to find him soldiers. Thus the abbot of Abingdon spent the funds of his house in hiring mercenaries to guard the king's new castle at Windsor.<sup>2</sup> Thurstan, abbot of Glastonbury, put his soldiers to a worse use. He despised the Gregorian music which his monks sang, and bade them learn the music of William of Fécamp. They refused to make the change, and one day, while they were in their chapter-house, the abbot set his French archers at them. The monks ran into the church, and there the archers shot at them, killing some and wounding many more as they tried to find shelter in the presbytery and even round the altar. William was never indulgent to lawlessness. He sent Thurstan back to Normandy in disgrace, and punished the monks for their disobedience. The Glastonbury outrage was, of course, an extreme case, but Orderic mentions it as a type of a class.<sup>3</sup>

<sup>2</sup> Orderic., iv., p. 523.      <sup>3</sup> Abingdon Chron., ii., 3.

William purposed to carry out his policy towards the church by means of his archbishop, Lanfranc. It was therefore necessary to give him full power. One effect of the Danish occupation of the north had been to raise the see of York to an independent position. As William, in his civil policy, made Wessex the seat of his government, so in ecclesiastical matters he adopted the plan of Archbishop Theodore. Canterbury was made the head of the English church, and, after a struggle, the archbishop of York was compelled to profess obedience to his brother primate as his metropolitan. In dealing with the marriage of the clergy, one of the questions which was agitating the Latin church, Lanfranc acted with characteristic caution. As regards the question itself, we must be careful not to judge it save in relation to the needs and circumstances of the time. Putting aside all consideration of the virtue of asceticism, it is evident that the special need of the day was a church whose priests should present a higher ideal of life than that which was around them, and who should not be entangled in the affairs of the world; while, at the same time, the lack of education among women made marriage a far lower connexion than it is now.<sup>4</sup> The celibacy of the clergy was one of the most important features of the spiritual revival of the time. Lanfranc, perhaps from his Lombard birth, was not inclined to be violent in this matter. The marriage of the parochial clergy was condemned, but they were not bidden to put away their wives. Canons

<sup>4</sup> Gardiner, *Introduction to English Hist.*, p. 48.

were bidden to do so, for they had bound themselves to live by a certain rule ; and, for the future, marriage was forbidden to all alike. In the same spirit Lanfranc gradually brought his monks at Canterbury to live more in accord with their profession. The Normans brought with them a strong admiration for the monastic system. New monasteries were built in England. Cluniac priories were founded at Lewes by William of Warren, and at Wenlock by Roger of Montgomery. The houses of this order were all under some foreign foundation, and their revenues were sent abroad to the mother church. Exemption from episcopal visitation was granted by William to the abbey which he raised on the place of Battle. Many other houses obtained the same privilege. These exemptions weakened the orderly discipline of the church. For this reason Lanfranc, though strongly attached to monasticism, did not favour these grants. The monastic feeling of the archbishop is shown by the establishment of canons regular in a hospital which he built at Canterbury. This was the first introduction of this order into England. From the same feeling some bishops substituted monks for the secular canons of their chapters. On the other hand, there were some headed by Walkelin, bishop of Winchester, who wished to fill the chapters with secular clergy. This movement was defeated by Lanfranc, and the Norman Conquest ended the long strife between the two parties by definitely giving the victory to the upholders of monasticism. This result was in accord with the ideas of Latin Christendom, and was a mark of the triumph of Romance influence. In York, Archbishop Thomas,

on the failure of the modified Lotharingian system, assigned to each canon his separate endowment or prebend, a system of which the remains still survive. Another effect of Romance influence may be traced in the removal of bishops' sees from small cities to large ones. The English bishop was the spiritual head of a tribe dwelling in a certain district. In lands where the Roman power had connected Christianity with the seat of government, the bishop was the bishop of a city. Foreign prelates, therefore, moved their sees from such places as Selsey and Lichfield to the more important cities of Chichester and Chester.<sup>5</sup>

The newly-appointed bishops and abbots lived for the most part as English churchmen, and were jealous of the rights and property of the foundations over which they presided. Large sums were spent in pulling down their old churches, and rebuilding them on the more magnificent scale, and in the Norman style, which Edward had introduced in his church at Westminster. Yet, in spite of the care with which many of these foreign churchmen guarded the interests of their churches, their rule must have been distasteful to Englishmen, for even where they did not rule with violence, they were as those whose own the flocks are not. They lacked sympathy with those under them. Lanfranc doubted whether he ought to accept the archbishopric, because "he knew not the speech of the barbarous tribes" over whom he was called to rule. He despised the memories of the kings

\* Freeman, *Norman Conquest*, iv., c. 19.

and martyrs which were sacred to the men of our own race, and would have denied the honours of a martyr to his predecessor *Ælfheah*. From this error he was saved by a visit from Anselm, the abbot of Bec, himself destined to follow *Ælfheah* in his see and in his saintship. Changes in ritual must have caused wide-spread offence, of which the scene at Glastonbury was the most violent example, and the unjust deposition of English prelates and abbots was a bad introduction to the reforms of those who took their places. The most important liturgical event of this period was the compilation, by Osmund, bishop of Salisbury, of the famous service books called after his see, *Ad usum Sarum*. These books were soon adopted throughout the greater part of the kingdom, and introduced more uniformity in worship than had before existed. Sermons were still preached in English. It is probable that the acceptance by the English church of the doctrine of transubstantiation is to be referred to the primacy of Lanfranc. In homilies and canons which were universally accepted by our church, the abbot *Ælfric* had declared the sacramental bread to be "not bodily the same body in which Christ suffered, nor the holy wine the healing blood," save "in ghostly meaning." Yet neither in this matter nor in the scantiness of the exercise of the papal power is England to be held a Protestant land. Far off from Rome, our church stood naturally somewhat apart from her, but men did not dream of protesting against the one voice which spoke with authority. The doctrine of transubstantiation propounded (though without the use of

the term itself) by Pascharius Radbert, about 845, did not meet with immediate acceptance throughout Christendom. Indeed, it can scarcely be said to have been generally received as a necessary article of faith until the middle of the eleventh century. Then Berengar, a famous teacher of Tours, following somewhat dully the daring speculations of *Erigena*, rejected the extreme materialism of Radbert. He had crowds of disciples in Gaul, and was able to boast of the "infinite" number of his adherents. Lanfranc, not perhaps without some jealousy of a rival teacher, upheld the doctrine at Rome and Vercelli. And at the second Lateran Council (1059), Berengar was forced to recant his opinions. About 1080 Lanfranc embodied his arguments against Berengar in a book entitled "On the Body and Blood of the Lord." His success was a triumph both for himself and for the cause which he made his own. As archbishop, he employed Osbern of Canterbury to write a Life of *Ælfheah*, as an acknowledgment of the wrong which he had done that martyr. Osbern also wrote other Lives, and it is obvious that he wrote them with the special intention of upholding the doctrine of his patron.<sup>6</sup> From the way in which William of Malmesbury declares and supports his belief in this doctrine, we may perhaps gather that its general acceptance in England was a new thing.<sup>7</sup>

Our national custom of exercising spiritual juris-

<sup>6</sup> Osbern, *Mir. S. Dunstani*, in *Memorials of St. Dunstan*, R.S., p. 136.

<sup>7</sup> *Gesta Regum*, iii., 286.

diction in the courts of the shire and the hundred was wholly opposed to the spirit of the work of Gregory VII. As William had "substituted for the native bishops, unused to national law and customary procedure, foreign bishops learned in the Hildebrandine jurisprudence and the Roman procedure,"<sup>8</sup> so he ordered that bishops and archdeacons should no longer hold pleas in the sheriffs' courts, but that all spiritual cases should be judged in the bishops' court according to the canons and episcopal laws, and promised the help of the lay power to enforce ecclesiastical censures. The effects of this separation were manifold. It established spiritual courts in England, and prepared the way for the introduction of the system of canonical jurisprudence. Instead of the single archdeacon who was "the bishop's eye" over his whole flock, each diocese was divided between different archdeacons exercising their functions within territorial limits. Everywhere were courts outside the common law, in which cases were judged by a law of which the pope was the head and fountain. The papal court became the natural place of supreme appellate jurisdiction in matters ecclesiastical. Everywhere clerical lawyers strove to narrow the province of the common law, and to widen the sphere of their own courts. Payments were exacted instead of penance, and heavy fees were levied and enforced. The whole clerical order stood apart from the law of the land, and learned to regard the pope rather than the crown as its sovereign.

<sup>8</sup> Public Stat. Lecture by Prof. Stubbs, 1882.

While William lived his firm rule prevented these effects ; and it seems that some time elapsed before the separation was fully effected. If there had always been a king and an archbishop such as William and Lanfranc were, each strong and wary, and both of one mind as to their general policy, these effects might never have arisen. William forgot that in fostering the ecclesiastical power and in developing a separate judicial system he was raising up a force which might in after days become antagonistic to the crown.

Although William and Lanfranc made many changes in the church which were pleasing to the pope, they were far from allowing an indefinite increase of the papal power in England. The pope with whom they had to deal was not one to forbear pressing his claims, and William was bound to him by gratitude. Gregory sent to him to request that Peter's pence might be paid more regularly. He also demanded that the king should do fealty to him. He may have deemed that this was due to him in return for the help which the Holy See had rendered William in his expedition. The king promised the one and refused the other. Now, as at other times, he stood on the legal rights and obligations of his English predecessors. The money they had paid, and therefore he would pay it ; the fealty he would do neither then nor at all, for he had never promised it, nor did he find that those who had gone before him had done this to those who had gone before Gregory.<sup>9</sup>

<sup>9</sup> Epp. Lanfr., ed. Giles, 10.

With this answer the pope had to be contented, for he could not afford to quarrel with William. Yet, more than once, he wrote angrily to Lanfranc, because he did not obey his summons to Rome. He warned him not to let the king keep him away, and, in a letter to his legate, he declared that no king had so tried the patience of the Holy See by keeping bishops away from its synods.<sup>10</sup> William, indeed, put strict bounds to the exercise of the papal power in England. He laid down that no pope should be recognized as apostolic without his approval ; that the archbishop should not allow any matter to be debated in a synod without his leave ; and that none of his barons or servants should be impleaded in a spiritual court or excommunicated without his command. By these rules he secured, while he lived, a restraining power over the church, and “made all things, divine as well as human, wait upon his will.”<sup>11</sup>

Taken as a whole, the policy of William and Lanfranc gave the church rulers of high character, bishops and abbots who were scholars and lawyers. The changes which they made entailed much injustice and hardship ; yet the church herself did not suffer. As she became separate from the nation she became more ecclesiastical in spirit. Synodal action was again resumed, and the new policy was carried out in a series of church councils. Her discipline was enforced in her own courts, and by spiritual laws. No longer standing apart from the rest of Christendom, she was drawn closer to Rome, and, equally with the

<sup>10</sup> Regist. Greg., Jaffé, 366, 380.

<sup>11</sup> Eadmer, Hist. Nov. ed Migne, i., 332.

state, was brought under southern influence. The English church thus became a member of the ecclesiastical body of the West. She gained a more vigorous life, and a fuller organization in her polity, her services, and her ministers. At the same time William allowed nothing to be outside or beyond his power. While western Europe was convulsed with the question of investitures, he made bishops and invested them with the insignia of their office, as Eadward had done before him. Every change was made by his will, and was part of his settled policy. While the church seemed to find fresh development on every side, he controlled all as he would. Yet the changes which he and his archbishop wrought could not be worked out in a lifetime, and much was left at their deaths still in a state of change. Masterful as William was, and clear as was his judgment, the system which he reared depended far too much on his personal control. It well nigh wholly perished when he and Lanfranc were no longer alive to control its working.<sup>12</sup>

<sup>12</sup> Stubbs, *Const. Hist.*, i., c. 9, sec. 102.

## CHAPTER IX.

## EARLY NORMAN ADMINISTRATION.

DURING the reigns of the first two Norman kings the constitution was in a state of fusion. Whatever the Conquest introduced into England was necessarily tinged with feudalism. Yet even the Normans probably had not been used to universal feudalism; for the revolt of the peasants, in 997, shows the vitality of their own ideas of government among the conquered people. Strong as feudalism was in the higher grades of society in Normandy, it does not seem to have been fully developed in the lower.<sup>1</sup> A like result followed the conquest of England. Here Frankish feudalism was added to the national system. William made this addition as a superstructure, and left the lower machinery of administration and jurisdiction almost wholly English. He stands before us in a double character, as national king and as feudal sovereign. Either character enabled him to be free of the restraints which the other by itself would have entailed.<sup>2</sup> Determined to be no mere feudal sovereign, he used the national force to uphold his crown, national taxation to fill his coffers, and national courts to do equal justice. At the same time he carried on

<sup>1</sup> Palgrave, English Commonwealth, i., 549.

<sup>2</sup> Stubbs, Const. Hist., i., c. ii., sec. 118.

his government by means of a court and a council which were largely feudal in character. The completion of the Domesday survey and the oath at Salisbury are declarations of his policy. England was saved from an abiding despotism chiefly by the need which the early Norman kings had of her people in their struggle with the baronage, and by the disputes about the succession. For while William naturally leaned to hereditary right, he wished to pass over his eldest son. This design, together with the means taken by Henry to secure the crown for his children, kept up the elective character of the kingship. The goodwill of the people was conciliated, and their institutions were preserved as the bulwark of the crown against feudal aggression. Naturally quick to adapt themselves to the institutions which they found, the Normans readily took part in the English system of administration, which was destined before long to interpenetrate, and finally to overcome, first the feudal and then the despotic elements with which the Norman Conquest overlaid it.

The ministers of the crown were a small body of men who held offices in the household. The combination of the English court offices with those which the Normans copied from the French kings, and the union of the characters of court domestics and state officials make this subject somewhat intricate. Chief among these officers was the justiciary, who answers to the Norman seneschal, though the seneschal's office was also preserved in the steward. The justiciary was the king's representative. His office during the reign of the Conqueror was temporary, and was conferred for

the special occasion. Under William Rufus it became permanent, and his unscrupulous minister, Ranulf Flambard, seems to have fixed its duties and magnified its importance.<sup>3</sup> Next to him was the chancellor, the head of the king's secretaries or clerks. The system of royal writs, introduced by Cnut, gave this officer, who first appears under Eadward the Confessor, his chief employment. He was always an ecclesiastic, and often a bishop. The other great posts were held by the treasurer and chamberlain, who were financial officers; by the steward, the constable, who represented the old English staller, and by the marshal. The court offices were gradually separated from the offices of the administration, and, under the influence of feudal ideas, became hereditary, while payment was made for the grant of a ministerial office. The court and administration of the Norman kings were thus largely formed after the French model with which they were familiar.

Although no change was formally made in the character of the witenagemot, tenure rather than any other qualification gave the right of attendance. Its members were summoned as landholders rather than as *Magnates* or *Sapientes*. The archbishop, who was constitutionally the chief adviser of the crown, and the other bishops, sat in the old assembly in virtue of their office. William, by making them barons, added tenure to their primitive qualification. As regards the earls, a change may be discerned in the policy of the Conqueror. At first

<sup>3</sup> Stubbs, Const. Hist., i., c. ii., sec. 120.

and by other Teutonic peoples. Ælfred, for instance, is said to have armed his grandson Æthelstan, an act which is recognized by William of Malmesbury as equivalent to knighting him. And in the picturesque story of the youth of the Lombard Alboin he is bidden to remember that, king's son as he was, he might not sit at meat with his father until he had received his arms from the king of another nation.<sup>6</sup> The Romance ceremony, however, in which the religious element was conspicuous, was strange to England until, in 1086, the Conqueror "dubbed his son Henry to rider" at Westminster.

Although all tenants of the king, together with the great officers of state, owed attendance at the witenagemot as the court of their lord, it is not to be supposed that the great mass of them came to the meeting, for "suit" equally with "service" was a burthen rather than a privilege.<sup>7</sup> Thus without

<sup>6</sup> Will. of Malm., ii., 133; Pauli Diac Hist., i., 23, 24.

<sup>7</sup> The great gemot at Salisbury in 1086 was an exception to the general character of the witenagemot of Norman times. With this meeting Dr. Stubbs (*Cons. Hist.*, i. 358) couples the council held at the same place in 1116 as examples of "a general muster of landowners of the kingdom." I must say, with submission, that the cases appear to me to be wholly different. The assembly of 1086 was of all whose land soever they held. The king's tenants came with those who held of them,—"*cum suis militibus*," while, as regards the meeting held for the purpose of swearing fealty to the aetheling William, the attendance of the landholders generally rests on the witness of William of Malmesbury, who says (*G. R.*, v., 419) that the oath was taken by all freemen of every lord both of England and Normandy. If this statement needs refutation as regards Normandy, see *Ang.-Sax. Chron.*, 1115. As regards

formal change the national assembly assumed a feudal character. In legislation and other matters its functions were theoretically the same as before the Conquest, though the change in its character tended to make their exercise formal. Thrice each year, at Easter, at Pentecost, and at Christmas, did the Norman king "wear his king helm," and then were gathered to him, "archbishops and bishops, abbots and earls, thegns and knights."<sup>8</sup> The king exercised his jurisdiction in his permanent court, composed of the great officers and other justices, and also from time to time in the witenagemot, or general assembly of his counsellors and tenants, in which the members of the permanent court sat with the rest. In some cases of appeal, and in some of peculiar importance, the justiciary, as the king's vice-gerent, held a special court of barons. The royal jurisdiction was also exercised in the shire courts by commissioners sent down to try cases where great interests were at stake. The composition and, in most respects, the procedure of these courts remained unchanged. The smaller courts, however, of the hundred and the township had to no small extent lost their popular character, owing to the growth of private

England the words of Florence, "Conventio optimatum et baronum," &c., ii., 69; and of Eadmer, "Conventus episcoporum abbatum et principum," &c., Hist. Nov. 117 (compare also Gervase, *sub an. 1122*), seem explicit. The statement of William of Malmesbury is a rhetorical flourish, and, though I may be imperfectly informed, the muster of 1116 does not appear to me to have been different in character, though probably it was different as regards number, from other meetings of the witan.

<sup>8</sup> "Ang.-Sax. Chron.," 1087.

jurisdictions which rapidly increased in number after the Conquest. The criminal jurisdiction and police arrangements of the hundred were exercised in the court leet of the manor, and the meeting of the township became the manorial court baron.

The famous suit brought by Lanfranc against Odo, bishop of Bayeux and earl of Kent, to recover the lands and rights of his church, is an instance of the way in which the royal jurisdiction was on special occasions exercised in the local courts. In this case the king bade that the whole shire, Frenchmen, and such English especially as were skilled in the old laws and customs, should be called. The gemot was held on Penenden Heath by Geoffrey, bishop of Coutances, who acted as justiciary. Among those who came thither was Bishop Æthelric, who had been deprived of his see of Chichester. "He was a very aged man, and very learned in the laws of the land. At the king's bidding he was brought in a wagon to explain and expound the laws." And because many questions had to be determined, the shire gemot lasted for three days. In the end the rights of the church of Canterbury were vindicated by Frenchmen and Englishmen, acting together in the old English court, though under the presidency of a Norman justiciary, and in the old English fashion, by which the men of the shire were at once witnesses and judges of the right. Another instance, which illustrates even more fully the judicial procedure of this period, is afforded by the suit of Gundulf, bishop of Rochester, against Picot the sheriff, to recover an estate at Fracenham, which the sheriff had treated as king's

land, and which Gundulf averred to belong to his church. The case came before the king. William ordered that the right should be decided by the shire-moot, and sent down his brother Odo to preside as justiciary. The men of the shire declared that the land was the king's, for they were afraid of the sheriff Picot. The justiciary deemed that they spoke falsely, and bade them choose twelve men, who should make their return on oath according to the Norman method of procedure called *inquest*. They, too, for fear of Picot, swore that it was king's land, and the case seemed at an end. A certain monk, however, named Grim, who knew the land well, came to Odo, and told him that the thegns had sworn falsely. Odo made one of them, who seems to have been their foreman, confess his deceit. He then had a new trial, calling the case this time to London. He ordered the twelve thegns to attend, and another set of twelve also. A special court of barons was summoned by the justiciary. With these assessors he tried the case again, and on the evidence of the second twelve the land was adjudged to the bishop. Then the first twelve thegns were tried, apparently in the shire-moot, for complicity in the perjury. The case against them was strong, and the justiciary ordered them to prove their innocence by the ordeal of iron. In this they failed, and the men of the shire condemned them to pay a heavy fine.<sup>9</sup> Every stage of this case is full of instruction. As a whole, it illustrates how the two jurisdictions met and worked together in the early Norman days,

<sup>9</sup> *Regist. Roffen.*, ed. Thorpe, p. 27-32.

though without any defined system. It shows how William, unjust as he was in many great matters, caused the law to be administered justly, and how he did this by using the English courts of procedure. It is a forcible comment on the enactment which he is said to have made, that "men should have and hold the law of King Eadward, with such additions as he himself made for the good of the English." The case was first tried in an English court. When there was evidence of a miscarriage of justice, the *venue* was changed, and it was heard before the king's great tenants or barons. The inquest by oath of the twelve men was a Norman innovation, which was destined to become of great importance. In the criminal case the Norman justiciary ordered the accused to clear themselves by the English method, and when their guilt was established, they were condemned by the men of their own shire. Had they been "Frenchmen," they would have claimed the wager of battle, but being Englishmen, they were not forced to adopt this foreign custom, but were judged after their own law. The case also shows how possible it was that even a national court should decide unjustly in those days of foreign domination. When Rufus sat on his father's throne, this possibility became a constant evil. It is said of his justiciary, Ranulf Flambard, the minister of his injustice, that he "drove all the gemots throughout all England," that is, that he used the national local courts as instruments of extortion.

To Flambard is also doubtless to be ascribed the increase in the royal revenue from those burthen-

some incidents of feudalism, which were first brought to a system in the days of his master.<sup>10</sup> The sources of the Conqueror's revenue were much the same as those of earlier kings, although the amount which they yielded was far greater than before. But the feudal tenure of land brought with it a new source of income arising from reliefs paid by the heir on entering on his inheritance, the profits on the wardships of minors, of the marriages of heiresses, aids, and such like. Under William II. these dues were made grievously burthensome. This was especially the case with reliefs. Payments of this nature were made to apply to ecclesiastical estates, and the sums demanded from a new incumbent savoured of simony. Speaking of these exactions, the chronicler says of William Rufus, "he would be the heir of all men, ordered and lewd,"—cleric and layman. Flambard is also said, on the authority of Orderic,<sup>11</sup> to have measured out the land afresh, so as to increase its rateable value. Different explanations have been given of this statement. It seems probable that the hide being, as we have seen, a measure of rateable value, and some land being divided into hides for the purpose of assessment in an indulgent or beneficial manner, while some was left unassessed, Flambard may have designed to equalize the hidation for the benefit of the crown. The forest courts, in which the law depended wholly on the will of the king, must have been a considerable source of profit to the crown; for their jurisdiction extended over large and con-

<sup>10</sup> Freeman, *William Rufus*, i. 335.

<sup>11</sup> *Ord. Vit.*, viii., 678.

stantly increasing districts, which were consecrated to the cruel sport of the Norman kings.

In the military force of the kingdom, the same mixture of foreign and native elements may be observed as in the rest of the administration. The division of the land into knight's fees, and the system of knight-service, were perhaps, to no small extent, the results of Flambard's work. For while Domesday as we have already seen, contains no mention of any new service, military tenure had certainly come in by the beginning of the reign of Henry I. It grew, under the hands of the Normans, out of the military obligation of the thegn. Besides, the special duty of the thegns, and of the barons and knights who succeeded them, the Norman king had, like his predecessors, the whole body of the fyrd, the military strength of the shires at his disposal. William did not limit the obligation of this force to the defence of the land, for he made every free man swear that he would serve him against his foes within England and without.<sup>12</sup> And good service did the Norman kings receive from this native force at home and abroad. From time to time also they hired mercenaries. Signs, however, may be discerned in such arrangements, as in the special duty of the monastery of Abingdon, to which reference has been made, and in an agreement made by Lanfranc with his tenants, that they should perform the service due from the estates of his see, that the system of knight-service began early in Norman times to develop from the obligation of thegnhood.

<sup>12</sup> Select Charters, p. 80.

Thus, in every branch of the administration, the Conquest added the Frank element of feudalism to the national English system. In the reigns of William I. and his successor, the two met everywhere without any ordered connexion. The work of Henry I. supplied this connexion, and gave definitiveness to the various machinery of administration.

## CHAPTER X.

## THE CONQUEROR AND HIS SONS.

IT has seldom happened, even in times when the power of the monarchy has been fenced round by constitutional restraints, that the personal character of the sovereign of England has been of small importance. A history of the people which takes little account of its sovereigns, puts in the background not the least important actors in the drama of national life. And when, as under the Norman dynasty, the power of the crown is really unlimited, it is especially necessary to mark what manner of men they were who wore it. The characters of William the Conqueror and of his two sons who succeeded him were of the first importance to the people over whom they ruled. Under each of these kings the condition of the English people varied in accordance with his character. In all these reigns they were heavily taxed. Speaking generally, however, it may be said that the taxation in the days of the Conqueror was, as in earlier times, levied to meet special occasions and in the old national manner, that under William Rufus it was levied to meet the demands of the king's prodigality, and the sum extorted was increased in an arbitrary fashion and by new expedients, while under Henry the taxation was legal, constant, and none the

less oppressive from its legality. So in the matter of justice, while the Conqueror lived the Englishman knew that he "must follow the king's will if he would live, or have land or goods or even his peace," but at the same time he found that, except where William's own interests were concerned, his will was to do right and justice. With his son Rufus the case was different, for his will was to do evil, and to allow others to do likewise; while under Henry the law was enforced at the cost, it is true, of much suffering and under the sanction of terrible penalties, but at the same time to the incalculable gain of the nation. Nor did the characters of these kings affect their own times alone; each to some extent left his own personal impress on our history. The conservative tendency of the Conquest, to which we owe the permanence of our institutions and the continuity of our history, was the direct fruit of the personal character of the Conqueror. The greediness of Rufus, and the lack of law which he encouraged, strengthened those feudal ideas which for six hundred years powerfully affected the social and economic condition of England, and which have not yet entirely vanished. To the character of Henry, and to his taste for legal organization, are to be attributed the union of the local with the central jurisdiction, the birth of our system of judicature, and the outlines of the more elaborate designs of his grandson. Nor is it merely as the characters of these kings affected their subjects, or left to some extent their mark on later days, that they should be noted. Because they were kings, we know more about them than about

other men of their time, and allowing for differences of rank and circumstances, we may learn from their characters what kind of men they were of whom, after the Conquest, the dominant class in England was composed.

The circumstances of his youth made William the Conqueror self-reliant and unhesitating. He was wont to act on his own judgment, and to act with decision. Save perhaps Lanfranc and for a little while William Fitz-Osbern, the son of his murdered guardian, there was no one with whom he took counsel. His dealings with Rome prove how little he regarded outward pressure. Just so much deference as was due he would willingly pay to the Holy See, and he showed his steady adherence to the line of policy which he had marked out for himself by deciding the amount of that deference by that paid by his predecessors on the English throne. In a wholly different case, when his troops were mutinous as they set out on that terrible march from York to Chester in 1070, he showed the same self-reliant, unhesitating spirit. He did not condescend to entreat them or to make them fresh promises. He bade those divisions of his army that were faithful to follow him, and cared not about the rest. It was this steadfastness of heart that made him so great a king. Immense difficulties stood in the way of the establishment of a firm monarchy of a national type. By far the larger part of the army with which he conquered England was composed of volunteers. Even the Normans were not bound to follow him, and men of other lands came rather to fight for their own

gains than to set him up as king. His mercenaries alone were in the strictest sense his soldiers. All the rest came, each expecting great things from his gratitude or from their own good fortune. And, just as he united all the various elements of the invading host into one army beneath his leadership, so, when he had gained the crown, he brought conquerors and conquered alike into one nation beneath his rule. Once only, in 1075, did any of those men, who had, as they thought, so strong a claim to be considered rather the companions than the subjects of their king, venture to rise against his stern sway, saying, in the words which Orderic puts into their mouths, that "he did not enough hold them in honour by whose help he had been raised so high." The establishment of a strong central government and the maintenance of national customs could never have been brought about, save by one who was "very wise and strong." In all things his word was law, so that "no one durst do anything against his will." As a proof of this, the chronicler,<sup>1</sup> in the life-like description which he gives of him, mentions his conduct to his brother Odo of Bayeux. No one held a higher place than he, either in England or Normandy, for in both lands alike he acted as the representative of William. Towards the end of his brother's reign he began to act independently of him. He hoped to succeed Gregory VII. in the papacy, and used the vast wealth which he had accumulated in England in bribes to the Roman

<sup>1</sup> Anglo-Saxon Chron., 1087.

citizens. He planned an expedition to Italy. Soldiers came to him in great numbers, and he gained over Hugh, the earl of Chester. William heard of his intended expedition. He had no mind to be drawn into any such matter. Hastening over from Normandy, William found the bishop in the Isle of Wight ready to embark. In those days of Hildebrand, it was no small thing to stretch forth a hand against a bishop, one of the ministers of the Lord. Nevertheless the Conqueror had him seized, and when Odo pleaded the sacredness of his office, either the king or Lanfranc declared that it was not the bishop of Bayeux but the earl of Kent who was seized, and so he was put in prison, and there stayed until William was near to death.

In spite of his despotic power, the Conqueror was not without restraints. He had a distinct idea of what he owed to God and man, and tried to do his duty towards both, save when such effort would have interfered with his interests or with the pleasures which he loved. Constant in his attendance at Divine service, a founder of religious houses, a reformer of church discipline, "mild to good men who loved God," William did not set at nought the fear of God. He was not like his successor—a mocker or a blasphemer—but a man who now and then yielded himself up to good influences. Among the Norman churchmen who were invited to rule the Church of England, was a certain monk, named Wimund, a man of learning, and famous in the controversy with Berengar. To him William offered some high ecclesiastical office. Wimund answered the king before all his court. He

refused the offer. How could he rule over men whose speech and manners he knew not, or become a sharer in spoils which were taken by violence? The king heard without offence his own condemnation. He sent the monk away unharmed, and sought to do him good in after days.<sup>2</sup> Two stories which represent Ealdred, archbishop of York, as laying a curse upon the Conqueror, according to one account for the evil deeds of the sheriff, William Malet, or, as the other tale says, for his own extortion, and which relate the repentance of the king, if they are not exactly true in fact, at least show that men recognized the power of religion over him. Unlike his nobles generally, William never gave way to licentiousness. The only trouble of his married life arose from the help which Matilda sent to her son Robert, when he was in rebellion against his father. The quarrels of his sons and the ill-conduct of Robert seem to show that he gave little heed to the training of his children. His work as king, indeed, must have left him little time for such matters.

In the early part of his reign, it is evident that the Conqueror tried to rule his people well.<sup>3</sup> We are told that he made a vigorous effort to learn English that he might be able to understand for himself the complaints of his subjects. He had, however, come to an age when it is difficult to acquire a new language, and the crowd of his other occupations put an end to the attempt. In the fragments of his legislation which have been preserved, the same spirit is conspicuous. English and Normans were

<sup>2</sup> Orderic, iv., 524.

<sup>3</sup> Freeman, Norman Conquest, i., 322-326.

to live together in peace, and the law of King Eadward was to be maintained. One decree provides in an especial way for the protection of his Norman followers. If any one of them was found slain, and his murderer could not be discovered, a fine was laid upon the hundred. When the two races became united, this fine or *murdum* was levied in all cases of secret man-slaying, except when the condition of the dead man was proved to be one of villainage, by a process called a presentment of Englishry.<sup>4</sup> The law of William was a natural attempt to protect the lives of his foreign subjects who were dwelling in the midst of a hostile population. The ringing of the curfew-bell was simply a regulation combining religious duty with police arrangements, which was observed in Normandy before the Conquest, and was brought over by the Normans to their new homes. A witness to the exalted spirit of William's legislation is afforded by the law which forbade the trade in slaves under penalty of the forfeiture of all the goods of the offender. This practice, which was the peculiar disgrace of the English, was put down by the command of William and by the preaching of Bishop Wulfstan, who attacked it in Bristol, the port whence the slaves were shipped from Ireland. Delighting in the discharge of his kingly duties, William was never seen in better mood than at his great yearly courts. Ambassadors of foreign countries wondered at the splendour of the English king, and many went away rejoicing over his liberal gifts.<sup>5</sup>

<sup>4</sup> Dial. de Scacc., Select Charters, p. 193.

<sup>5</sup> Will. Malm., Gesta Regum, iii., 279.

Although William I. was no vulgar tyrant, he often cast aside those restraints which at other times he observed. In the fierceness of his wrath, in the pursuit of his interests, and in the indulgence of his selfishness, he did not let his duty towards God or man stand in his way. The ravaging of the north, its ruined churches and its desolate dwellings, bore witness to the ruthlessness of his anger and his policy. With a strong respect for human life, which was shown by his forbidding the punishment of death, he had no care for human suffering. The arbitrary power with which he invested himself had an evil effect on his character. As time went on, he grew sterner and more selfish. In the rebellion of 1075, Waltheof, the son of Siward, the hero of the fight at York, was implicated, perhaps without fault of his. Whatever share he had in the conspiracy, he had atoned for it by his confession and repentance. Nevertheless he alone was put to death. By this execution William broke his own law, and was guilty of committing a judicial murder for political reasons. The English earl was held by his countrymen as a saint and a martyr, and his death has been regarded by the chronicler and by the historian of the reign of William<sup>6</sup> as a turning-point in the king's history. From that time he had many troubles. Abroad, his arms were no longer victorious; at home, his foes were they of his own household. His rule grew heavier, and the sorrows of his people greater. His eldest son, Robert, demanded that Normandy should be given up to him.

This was contrary to the policy of William, who would not make any division of his territories while he lived. Angry at his refusal, Robert sought help from the French, and defeated and wounded his father at Gerberoi.

In these later years of his reign, William laid waste the wide tract of land which he turned into the New Forest, to make himself a hunting-ground near his royal city of Winchester. The love of hunting was a dominant passion in him and in his sons, and they took no heed of the sufferings which they brought on others to gratify it. His greediness for this amusement made William forgetful of every better feeling. No sense of religion kept him from destroying the churches, no thought of his duty as a king from desolating the homes of men for thirty miles and more. He made strict laws to protect his sport, decreeing, "that whoso slew hart or hind, man should blind him, that none should touch the harts, and so with the boars. So mightily did he love the high deer as though he were their father. So, too, he set for the hares that they must go free. His rich men bewailed it, and the poor murmured at it, but he was so stark he recked not of them all." The scene of his cruelty was fatal to his house. There his son Richard, his nephew Robert, and his son William Rufus, each met his death.<sup>7</sup> In these later years, too, his lust after gain seems to have grown greater. Just where others only were concerned, he had little care for justice where his own interests were at stake, and his reeves

<sup>7</sup> Will. Malm., iii., 455.

in shire and town were ready instruments of oppression. Yet, in spite of all the wrongs and sorrows of these years, the native chronicler dwells on "the good peace" which the stern king made throughout the land. This was just what England needed after the lax administration of the later days of her native monarchy. Though heavy taxes grieved the people, and isolated acts of oppression pressed heavily on one and another, still men rejoiced that the lives of travellers, the honour of women, and the goods of merchants were safe beneath the strong rule of the Conqueror. Stern as he was, William was not without the humour—often, indeed, itself grim and terrible—which was characteristic of his northern ancestors. None might jest at his expense. At Alençon men found what it was to insult his kingly dignity and brave the fierceness of his mien. A coarse jest, in which Philip of France compared his rival's heavy person with that of a travailing woman, was answered with bitter humour. In that voice which made those who heard it tremble, William swore his own great oath that "by the resurrection and splendour of God" he would light an hundred thousand candles in France when he went to his churching mass. Towards the end of August, while the crops were yet in the fields, the clusters on the vine and the apples on the trees, William began to carry out his threat by wasting the pleasant land. At last he came to Mantes. He fired the town and burned churches and houses alike. The king cheered on his men, for the smoke of a burning town was sweet to the heir of Rolf. As he cried to them, his horse stumbled, and William re-

ceived an injury from which he died. While he lay upon his death-bed, he spoke of those who should succeed him. Normandy must needs go to Robert. It was his by right of inheritance and by promise. England he would not leave to any, for it had not come to him by birth, only he would that his son William might have it. He spoke words of pardon and repentance before he died. When the news was told in England how "sharp death" had taken him who was "so worshipful and strong," "so stark and cruel," one who knew him thus expressed the sentiment of the people, "Walaway ! that any man should have so high a mood, and lift himself up and count himself above all men."

No form of election seems to have preceded the coronation of William Rufus. His accession to the throne was the work of Archbishop Lanfranc, acting on the instructions of the Conqueror.<sup>8</sup> Conscious of the character of Rufus, who had been his pupil, Lanfranc made him, in addition to the ordinary coronation oath, give a special promise that he would govern well, and would in all things be ruled by him. For as he had knighted him, and had brought him up, Lanfranc had a claim on his reverence, besides that which the archbishop derived from his office and from having been the chief minister of his father. Promises had little sanctity in the eyes of Rufus unless they concerned some matter of military honour. "Who is there that can do all he promises?" was his wrathful answer to the archbishop when he reminded

<sup>8</sup> Freeman, *William Rufus*, i., 10-22.

the king of his own words. In 1089, the death of Lanfranc freed him from a restraint which he regarded with impatience. From this date his true character showed itself.<sup>9</sup> Unlike his father, William Rufus put no check on his evil nature. Of no other can it be more truly said that he feared not God, neither regarded man. The hideous depravity of his life reveals the depth to which man can sink when, owning no law, he gives himself up to work all uncleanness with greediness. The special form of his immorality was perhaps an effect of the connexion of the Normans with the people of the south and east of Europe which arose from the conquest of Sicily. Thence too, it may be, came that habit of speaking evil of God and His saints, in which he constantly indulged. When he recovered, for instance, from an illness in which with the fear of death before him he promised to live a better life, he swore that "God should never find him a good man in return for the ill He had done him."<sup>10</sup> And when certain men accused of deer-stealing were acquitted by the ordeal, he loudly impugned the justice of God's judgment. For such offences men were, in his reign, condemned to death, for he set aside the law of his father which forbade capital punishment. Although he was not guilty of delighting in the bodily sufferings of others, he was utterly careless of the welfare of his subjects. He rejoiced in hurting men's feelings and in shocking their prejudices. He

<sup>9</sup> This subject is treated in an exhaustive and interesting study by Mr. Freeman, in his "William Rufus," i., 142-174.

<sup>10</sup> Eadmer, *Hist. Nov.*, i., 370.

took a bribe from the Jews of Rouen to make some of their people who had become Christians turn back to their old religion. In a spirit of mockery he made the bishops in England hold a set disputation with the Jews, and declared that if they were worsted he would become a Jew himself.<sup>11</sup> William Rufus was a dutiful son to his father while he lived, and ever held his memory in honour. His filial admiration led him to try to imitate his father's dignity, and his boastful insolence was a travesty of his father's majesty. The mighty oath of the Conqueror gave place to the adjuration, "By the holy face of Lucca," or the yet more senseless form "By this and by that."<sup>12</sup> He loved to boast of his power and to talk of his kingly dignity ; but there was, in truth, nothing kingly in him. An assumed scowl and a blustering tone were the means by which he sought to make men feel the fear inspired by the fierceness of his father's mien and his terrific voice. At the same time, Rufus loved to jest with his companions, and to make his own wickednesses the subject of their laughter. Men bandied words with him as they would not have dared to do with his father. They even played tricks upon him. Thus one day it chanced, as he was putting on some new boots, that he asked his chamberlain how much they cost, and when he said, "Three shillings," Rufus abused him, for he held them to be too cheap for a king's use. The man went and fetched a cheaper pair, telling him that they cost more. "Ay," said he, "these are fit for a

<sup>11</sup> Will. Malm., iv., 317.

Eadmer, Hist. Nov., ii., p. 413.

king's majesty." Not so, we may be sure, did his servants treat his father. The story is told by William of Malmesbury to illustrate the king's wastefulness. New fashions of effeminate luxury prevailed in his court. Men went about with long hair and flowing robes, and long, pointed shoes. Extravagance and folly were encouraged by the example and by the prodigal gifts of the king. His empty treasury was supplied by the devices of his low-born minister Ranulf Flambard, who oppressed all alike, caring for no man's hatred if only he might please his master. These extortions were the more galling because they were committed under the guise of law, for every court was made by the Justiciary the means of pressing the claims of the crown.

Chief among the causes of the extravagance of Rufus was his love of all that pertained to arms. From his youth he excelled in all knightly exercises. A man-at-arms was to him something different from the rest of mankind. The word of such a one was more worthy of belief than that of others, and to such a one he held that a man should keep his word. To speak "as a good soldier" was to give another the highest assurance of truth. Some relation there was between such ideas and the arbitrary and imperfect code of chivalry. Yet, while chivalry exalted certain virtues to the neglect of others, and regarded a certain part of mankind as alone worthy of consideration, the system was founded on the idea that this regard was paid to the members of an order on the ground that they were pledged to exercise the virtues which were thus honoured. Rufus, on the other hand, exalted no

virtue, and honoured men, not because they spoke the truth, but because they belonged to a profession which he loved. For this reason he held them to be entitled to privileges which he would not extend to others, and was careful to attach them to his service. When Rufus rewarded and enlisted a soldier who unhorsed him at St. Michael's Mount, or when he refused to believe that the knights at Ballon could break their word, he seems to exhibit the spirit of Francesco Sforza when, in 1424, he spared the lives of the captains whom his father bade him put to death, rather than to resemble Bayard, who, imperfect as were his ideas of right, poured scorn with his dying breath on the greatest captain of his age because he was "false to his country, to his king, and to his oath." Nor do the ideas of Rufus seem to me to have much in common with those of his ancestor, Richard the Good; for the king made his privileged class of soldiers, while an accident of birth was the sole recommendation for promotion at the court of the duke.<sup>13</sup> Rufus would have made no bad captain or mercenaries, and these troops flocked to him in great numbers. He paid them highly, and if sometimes his treasury was empty, still their service was not unrequited, for he let them do as they liked. The licence extended to these men caused much suffering to his people. In other cases he was stern enough. Death was a common penalty, until he found it more

<sup>13</sup> The whole question of the chivalry of Rufus is discussed by Mr. Freeman (W. Rufus, i., 169-174; ii., 508). I venture to differ to some extent from his conclusions.

profitable to make men give him money than to hang them.

No dependence could be placed on the word of Rufus. Three times he promised that he would govern well, and three times those who believed him were deceived. The first of these promises he made to Lanfranc. Again, in 1088, when the Normans rebelled against him, and he was driven to seek the support of the English, "he promised them the best laws that ever were before in this land; and every unjust geld he forbade, and granted them their woods and hunting, but it stood no while." The third time he made such a promise was in 1093, when he was sick, and this, too, he broke when he recovered from his sickness. Great as the help was that he gained from the English *fyrd*, on one notable occasion he shamefully betrayed the loyalty of the people. In his war with Robert, in 1094, he sent over from Normandy to Flambard and bade him levy 20,000 Englishmen to come over to him. The English then, as ever, obeyed the call of their king. The host came together at Hastings, each man with ten shillings given him by his shire for his expenses on the campaign. Then Flambard came and took this money away and dismissed the men. So the king gained £10,000 by this transaction, and used the money in buying off the French king from his brother's side. Impetuous at the beginning of all his undertakings, Rufus lacked the steadfastness to carry them out to a distinct issue. Unstable as water, he never made a great war or a firm peace. In his attempt, in 1098, to bring Maine again under the Norman power, he took Le Mans and

then left the country unsubdued. Before he finished his work there, he began a war in the French Vexin, and that also after a while ceased without any definite ending.<sup>14</sup> The vague and spasmodic character of his foreign relations make them of no real importance. At last the life of foul depravity and the reign of great undertakings and small achievements came to an end; the tongue that boasted great things was silenced; the time of military licence and administrative iniquity was cut short; the Red King was slain in the place made desolate by his father's cruel selfishness, and was carted away like one of those high deer which the Conqueror loved so well.

Yet, in spite of all, it was better for England that William should reign than his brother, Duke Robert. It is true that Robert was not to be hated. He was good-natured and kindly, a wise commander, and a gallant soldier. Far more truly than Rufus does he represent the spirit of chivalry which was spreading over Europe, in his renown as a Crusader, in his occasional acts of generosity, in his incapacity for any other occupation than that of war, and in his utter carelessness as to all other duties than such as became a knight. It was just this carelessness which would have made his reign fatal to England, and would have delivered her over to anarchy. Rufus, and Henry after him, kept the Norman barons in subjection to the crown. While Robert held the duchy the barons of Normandy had no master. Each did as seemed good to him, while the duke wasted his sub-

<sup>14</sup> Freeman, *William Rufus*, ii. 210-256.

stance in riotous living. Because they wished to make England such as Normandy was, they upheld the claim of Robert, first against William and then against Henry. And if it was better that William should reign than Robert, much better still was it for England when Henry succeeded to the throne. The election of Henry was not determined without debate. As the only one of the Conqueror's sons born in England, and the son of a king, his claim was such as was peculiarly in accordance with English ideas, and his subsequent marriage with Eadgyth, or Matilda, as she was called after her marriage, "of the right kingly kin of England," made the people look on him as their own. It was at once evident that a better state of things had begun. For the first time the coronation of a new sovereign was accompanied by a charter of liberties. The law of King Eadward was restored ; all evil customs were to be taken away, and a pledge of this removal was given in the imprisonment of Bishop Ranulf. The court was purged of the abominable vices of Rufus. Although Henry himself was a licentious man, and had many illegitimate children by different mistresses, his accession was, nevertheless, held to have brought with it a great moral reformation. He was learned, and though his learning had been acquired without continuous study, he retained his literary tastes and accomplishments in spite of the wars and business of his after life. Diligent in the discharge of his kingly functions, he was far more of a ruler than a knight. His speech was dignified and quiet, a notable contrast to the stammering and loud tones of Rufus.

When much moved, and, as it seems, not upon slight occasions, he swore, "By the death of our Lord,"—a form which, though not so tremendous as the oath of his father, was far removed from his brother's senseless expressions. He was bountiful in his gifts to ecclesiastical bodies ; he treated religion with respect, and seems to have been open to its influences. While he jested freely, it was at fitting times. He was steadfast in his undertakings, a faithful friend, and an unforgiving foe. He knew English thoroughly, and this knowledge must have helped him in gaining the support of the people, and in uniting the nation together in alliance with himself against the barons who were their common enemies. His work in organizing the administration must be reserved for another chapter.

Without the hasty nature of Rufus, Henry seems to have been more deliberately cruel. One hideous story of his allowing the eyes of two of his grandchildren to be torn out—a form of brutality not uncommon among the Normans—shows a nature which was the more repulsive from its calmness. The punishments he inflicted were terribly severe, though in his later days he allowed men to escape mutilation by the payment of heavy fines. His very severity brought good to the country. Military licence was at an end. Thieves were hanged wholesale—at one time forty together. Strict regulations were made as to the payment of a fixed price by the king's officers for all that they might require. Coiners were mutilated, means were taken for detecting debased coin, and a standard measure was established. "Good

peace" again reigned in the land ; and it was this boon which made the chronicler declare, "Good man he was, and mickle awe was of him. None durst misdo to other in his reign." Nevertheless, it was a time of great distress. The king greatly loved hunting. He made new forests, and carried out the laws of his father against dogs and men with unmerciful strictness. From this reign of law and organization may be dated the establishment of the forest laws as a system. Yet the selfish regulation which kept all the rights of the chase throughout the whole land for the king's sole use, and the regular administration of forest law perhaps brought less evil than if the lord of each manor had preserved game for himself; for the chronicler says, "Peace he made for men and deer," as though in both cases alike he had done well.<sup>15</sup> Indeed, in whatever way it came, the dominance of the crown over the baronage brought good to the people. Heavy taxes levied alike when the seasons were bad and good pressed upon the nation. Bitter are the complaints and sorrows recorded of that time. Pestilence and flood and famine wasted the land, and whatever woe each year brought with it, still it was sure to bring its heavy tax. Yet, in spite of all, men did not fail to see that the strong government of Henry gave them the blessings of law and order.

<sup>15</sup> Freeman, Norman Conquest, v., 164.

## CHAPTER XI.

## THE NORMAN NOBLES.

WHILE the despotism of the Norman kings brought much suffering on England, it saved her from anarchy. During the later years of the native monarchy the state was weakened by disunion. Every circumstance, for instance, of the Northumbrian revolt in 1065 shows that the crown and the witan alike had become utterly weak. A mere confirmation of the acts of the rebels was all that was possible for the central power. National life had almost perished. Its forms remained to be made the instruments of the ambition of a few over-powerful subjects. Yet it was much that these forms were still respected, and that the rule of law, though weakened, was still acknowledged. Mischievous as these disruptive tendencies were, the Conquest threatened England with the worse evil of anarchy. The Normans were in a far less advanced state of political education than the English. Private war was common among them, and acts of lawless barbarity went unpunished. The duchy was distracted, not by the ambitious schemes of a few great men, but by the violence and greed of every petty noble. As far as his own authority was concerned, William compelled submission. In undertaking the conquest of England, it seemed as though he was about to

undo the work which had cost him so much, for he was undertaking a task in which he had to depend on the good will of the barons. They set out to conquer rather for themselves than for him. It must have seemed unlikely that William would be able to rule over them with a strong hand when compassed with enemies, and when every castle and every baron would have a separate importance. An armed occupation by many small garrisons promised infinite opportunities for self-aggrandizement. Had the anarchy of the time of Stephen followed close on the battle of Senlac, it would have been fatal to the future of our country. England was preserved from this by the policy and firmness of the first three Norman kings. When the time of anarchy came, the framework of the administration and the traditions of order were too well established to be swept away by the storm of un-law, and in a short time Henry of Anjou was able to take up the working out of the constitution at the point at which his grandfather left it.

The barons found that their duke, in assuming the crown of England, had become king of a fully-organized state. The national force was at his disposal, and the machinery of government was complete. The policy of the Conqueror made the title to all land depend on his grant, and bound every landowner to himself by a tie of allegiance. In conquering England, the Norman nobles placed the yoke of order upon their own necks. They did not yield to it without a struggle. The victory of the crown was not complete until the power of the greater nobles was crushed by forfeiture, banishment, and

imprisonment, and new men had been raised up to take their place. The victory was won by the loyalty of the English to their new kings. In each crisis of the struggle the crown was upheld by the conquered people. Stern as the rule of the king might be, the English knew that it was better for them than the licence of countless petty lords. The alliance between the people and the crown, the need which the kings had of the support of the nation, and the ready help which they received from it, were the means of laying afresh the foundations of our national liberties. The struggle assumed slightly different aspects at different times. At no stage of it did the barons contend for any principle. It was throughout its whole course a mere endeavour to gain greater licence at the cost of the crown and of orderly government.

The struggle began in 1074 with the conspiracy of Ralph of Wader, earl of Norfolk, and Roger, earl of Hereford, son of William FitzOsbern. Orderic represents these earls as speaking bitterly of the kingship of William.<sup>1</sup> They dwelt on the disgrace of his birth and on the way in which he had struck down noble counts, and, indeed, the lawful heirs of the kingdom. They complained that he paid too little court to the men who had won him his new dignity, and that their share in the conquered land was small and mean. Given over, as they said the English were to tillage and to feasts and drinking bouts rather than to arms, they yet longed to avenge the slaughter of their kin. They invited Earl Waltheof to join

<sup>1</sup> Ord. Vit., 534.

them. The land should be divided between them ; one of them should be king and the other two should be dukes. Although the words are those of the historian rather than of the conspirators, they tell us the feelings of the class to which the earls belonged. The kingship of the Conqueror was hateful to them, for it was the means of restraining their excesses. They felt that he was, indeed, so stern that none could withstand him. They longed for greater licence and for larger spoils. As long as the kingdom was united under the crown they knew that these were beyond their reach. As regards the English they were mistaken. Waltheof was perhaps for the moment dazzled by their proposals. If so, he soon saw his error and did his best to atone for it, though he alone was put to death for the conspiracy. The English, as a body, knew that the tyranny of such men as Ralph and Roger would be worse than the rule of William. The *fyrd*, or militia, of Worcestershire, led partly by the holy Bishop Wulfstan, defeated the earl of Hereford, and the English must have rejoiced in overthrowing the son of their old oppressor. A large force of both French and English marched against Earl Ralph. Although he was an Englishman by his father's side, he identified himself with the Bretons, his mother's people. His revolt was, to some extent, a rising of the Bretons in England against the Normans, and a manifestation of the hatred of the two races for each other.<sup>2</sup> Earl Ralph fled to Britanny. His bride, Emma, the sister of his fellow-con-

<sup>2</sup> Spurcitia Britonum, Lanfr., Epp. 38.

spirator, Roger, at whose bridal-feast the revolt was planned, held Norwich for three months against the royal army. She afterwards joined her husband. Both lived to take part in the Crusade, and died on their pilgrimage. Roger was kept in prison all the rest of his life, and the English estates of both the earls were forfeited.

A fresh attempt against the Crown was made in 1078, when Robert demanded to be put in possession of the duchy of Normandy. He was upheld by some of the younger members of the baronial houses. Among them were Robert of Mowbray, a proud man, of a gloomy and silent temper, the nephew and heir of William's justiciary, Geoffrey, bishop of Coutances, William of Breteuil, the brother of Roger of Hereford, and, above all, Robert of Belesme, the son of Roger of Montgomery. No small part of the history of the Norman nobility is concerned with this Robert and his house. The castle of Montgomery, which has given its name to the town which Roger built, and to the land which he conquered,<sup>3</sup> stood on a hill on the little river Vie. In the early days of William, one of this family slew Osbern, the guardian of the young duke. Roger, the nephew of the murderer, became William's faithful friend and counsellor. Like many other Norman nobles, he was descended from the family of Gunnor, the wife of Richard the Fearless. He married Mabel, daughter of that William Talvas, lord of Belesme, Seez, and Alençon, who cursed the infant son of Herleva. The house of Belesme

\* Freeman, *Norman Conquest*, ii., 196.

was conspicuous for its wickedness, and William Talvas was more wicked than all. He had his first wife slain because she was too pious for him. When he married again, he mutilated and put out the eyes of one of his wedding-guests who belonged to the house of Geroy, his enemies.<sup>4</sup> His daughter, Mabel, inherited his evil nature. She was, we are told,<sup>5</sup> a little talkative woman, full of life, clever, quick to do evil, and exceedingly cruel and daring. She brought to the house of Montgomery vast estates lying on the borders between Normandy and Maine. Roger became as great in England as he was in Normandy and France. At Senlac he led the French who formed the right wing of the army, and he was promptly rewarded by the grant of Chichester and Arundel. Somewhat later he received the earldom of Shrewsbury and the county of Shropshire, which he held with much the same power as the earl of Chester had in his earldom. His son Robert now upheld the king's son in his rebellion. The war of Gerberoi had little direct influence on England, though it may be noted that from that time the barons began to look for aid from France against their king and duke. The fathers of the rebel lords made their sons' peace with William. Soon after this the Countess Mabel was slain unawares by the lord of Jaugy, whom she had despoiled of his inheritance. Her estates descended to her son Robert. His father, Roger, remained in England, and, with the other great border lords, made constant war against the

<sup>4</sup> Will., Gem., vii., 10.

<sup>5</sup> Will., Gem., vii. 16.

Welsh. Roger married again, and the influence of his second wife seems to have been good, for, like many other Norman nobles, he became a liberal patron of holy men. On Robert descended the wickedness of his mother and her house. He is said to have torn out the eyes of a little child, his godson, because the father of the boy offended him. The possessions of his mother made him very powerful, and he ruled in his border land almost as a sovereign. The Conqueror restrained such lords as Robert by putting garrisons into their castles. When his son Robert succeeded him as duke, the lord of Belesme and others expelled these soldiers.

Although the influence of Lanfranc secured England for Rufus as his father wished, while his elder brother took Normandy as the hereditary possession of his house, it was not long before the barons took up the claim of Robert to the throne. It was inconvenient, they said, to hold lands under two lords, and of the two they preferred Robert, because they would be able to do as they pleased if he were king. The movement was headed by Bishop Odo. It was joined by nearly all the great men of the kingdom, by the bishop of Coutances and his nephew Robert of Mowbray, who had succeeded him as earl of Northumberland, by Robert of Mortain, by Roger of Montgomery, and by Hugh of Grantmesnil. Even William, bishop of Durham, the trusted minister of Rufus, was unfaithful to him. The throne was upheld by the loyalty of the English. William won over the earl of Shrewsbury, and the rebels of the Welsh border were turned back from Worcester by a defence

in which the English bishop Wulfstan again took a leading part. Bishop Geoffrey and his nephew were checked in the west by the men of Ilchester. Kent, where Odo the earl-bishop had his strong castles, was the scene of the decisive struggle. Rufus called the English to his help. We have already seen what he promised them, and how ill he kept his word.<sup>6</sup> At his call thirty thousand Englishmen "brought them to the help of their king and lord." The castles of Tonbridge and Pevensey were taken. Rochester made a stout resistance, for Odo, Robert of Belesme and his two brothers with many other Norman nobles were within its walls. Rufus made a second appeal to his people, French and English. Every man who came not to his help was to be declared *Nithing*—the vilest name in English speech. Men flocked to the host in large bands from shire and town. At last the castle yielded. As the gates were opened the royal trumpets sounded in joyous triumph, and the oppressors of the land came forth with shame of face. When the English saw Odo their hatred burst forth in cries of "Halters! Bring halters to hang up the traitor bishop and his friends!" and they called on the king not to spare them. Rufus let them go; for he could scarcely punish members of so many great houses. His throne was saved by English loyalty, and, though his promises "stood no while," it was much that the Crown should have felt its need of the people, and should have acknowledged the people's rights. The nobles were humbled. Another great

<sup>6</sup> Page 143.

earldom came to an end. As the earldoms of Norfolk and Hereford were not renewed after 1075, so now the earldom of Kent was taken from Odo and no other earl was appointed. The condition of Normandy under Robert shows that the triumph of Rufus was good for England. Robert of Belesme went back to Normandy. There the duke seized him, put him in prison and took his castles. His father persuaded the duke to release him, he regained his power and became the centre of all the disturbances in the duchy. The south east was torn by the feuds of two famous ladies, the one the wife of Ralph of Toesny, lord of Conches, son of the adventurer in Spain, the other the wife of William of Evreux. In the centre of the land Robert of Belesme pressed hard on Hugh of Grantmesnil and his other neighbours. And when no private war was on foot, the parties of Rufus, of the duke, and of their brother Henry fought with each other. The wealth which the great nobles won by their wars made them strong to do evil and greedy after fresh spoil, so that it was said that the riches which Normandy had seized turned to her destruction and became a torment instead of a delight.<sup>7</sup> Fresh riches, and with them fresh power to do mischief, came to Robert of Belesme by the death of his father in 1094. As the custom was, the English earldom of Roger went to his second son Hugh and his Norman territories to Robert the eldest.

Although the barons remained quiet for some time

<sup>7</sup> Ord. Vit., 691.

after the insurrection of 1088, the rule of Rufus was highly distasteful to them. The men to whom he showed most favour did not belong to their order, they were the mercenaries whom he hired with the money wrung from his people. Heavy as the forest law was under his father, he made it yet heavier. Death instead of blinding was made the punishment of its breach. And, though it cannot be supposed that one of the barons would have been put to death for such a cause, yet the law was made grievous to them. It is evident from the charter of Henry that the reliefs demanded by Rufus from heirs when they entered on their lands were not assessed on any fixed scale. He simply made his tenants pay as much as he could get from them. He set aside their wills ; he made the marriage of their heiresses and widows matters of bargain, and he did as he pleased with the estates of their heirs while they were under age. If one of his tenants broke the law, he fixed the fine at any amount he chose, and, when a man was only accused of a crime, he demanded unreasonable bail. The law was made the means of oppressing all men, barons and villeins alike ; and, however justly administered, all law was hateful to the nobles if it restrained them from violence. An attempt to enforce a just penalty was the occasion of the outbreak of another rebellion. Robert of Mowbray, the earl of Northumberland, plundered some Norwegian merchants. He refused to obey the summons to the king's court, and shut himself in his castle of Bamburgh. This outbreak was connected with a wide-spread conspiracy to dethrone Rufus and to set aside his brother, in

favour of Stephen of Aumale, a grandson of duke Robert and Herleva. The insurrection was crushed by the taking of Bamburgh. Matilda the wife of Earl Robert defended the castle, and surrendered it only on the king's threat that if she held out longer he would put out the eyes of her husband whom he had taken by a stratagem. Rufus was now able to take heavy vengeance on the rebels. Robert of Mowbray was kept in prison all the rest of his life and his great earldom was forfeited. Hugh of Montgomery, the new earl of Shrewsbury, was heavily fined. William of Eu was appealed of treason, was vanquished in the combat, and suffered mutilation ; his cousin and steward William of Alderi was hanged. Quickly as this insurrection was put down, the triumph of the Crown was in some ways more important than that gained in 1088. The extinction of an earldom was a greater gain when it was held by a layman than when the possessor was a churchman who could have had no heirs of his body. And the decision with which Rufus punished the rebels of 1095 was the beginning of a series of blows which finally destroyed the power of the baronage of the Conquest.

The house of Montgomery had yet to grow stronger before its fall. Hugh, the earl of Shrewsbury, and the other Hugh, the earl of Chester, carried on a fierce and unceasing border-war against the Welsh. A new enemy suddenly threatened them. Magnus Barefoot, king of Norway, turned sea-rover. Once more, in 1098, a viking's fleet appeared in our seas. Magnus overthrew the jarls of the Orkneys and of the western,

isles. He made Man his headquarters, and thence sailed towards Anglesey. The two earls drew up their forces to prevent the Northmen from landing. As Hugh of Shrewsbury rode along the shore the Norwegian king marked him from his ship. He drew his bow and shot. The arrow pierced the eye of the earl. He fell into the sea and so perished. The death of Hugh made Robert earl of Shrewsbury. He could not, however, enter on his earldom until he had paid the king £3,000 as a relief, the sum in which his brother had been fined less than two years before. No greater lord was there among the Normans than Robert of Belesme. He had vast estates, some inherited and some seized from others in Normandy and Maine. He gained the county of Ponthieu by marriage. He succeeded to all that his father and brother had received in England and won in Wales. And before long the king granted him large estates in Yorkshire also. Robert, like his mother, was clever as well as wicked. He completed the fortification of the line of the Severn by building a strong castle at Bridgenorth.<sup>8</sup> Very terrible must have been the lot of the tenants of the cruel earl, for he grew greedier as he grew richer and seized even on the lands which those who were before him had granted to the church of God. And very terrible must have been the lot of his foes the Welsh, for greedy as he was, he would refuse to allow his prisoners to be ransomed that he might have the joy of seeing them die in the slow agonies of cold and hunger.

<sup>8</sup> Freeman, Will. Rufus, ii., 151-164.

In striking contrast to the turbulence of the house of Montgomery, the family of Roger of Beaumont was distinguished for wisdom. The two families were related to each other, for Thurold of Pont Audemer, the grandfather of Roger, married the sister of Gunnor, whose daughter was the mother of Roger of Montgomery. In the early days of William, Roger of Beaumont did good service to the cause of order, for he defeated and slew Ralph of Toesny, who was ravaging the lands of his father. The town of Roger, called after him Beaumont-le-Roger, stands on the Rille, and some ruins of his castle yet remain. Roger gained by marriage the county of Meulan, in the French Vexin, and thus became a French as well as a Norman noble. He was ever a true and faithful counsellor to the duke. When William invaded England he was left to help Matilda in the government of the duchy. He refused to take any share in the spoils of England, saying that he loved the inheritance of his fathers, and coveted not distant lands which were not his by right. He died in the monastery of Preaux, of which his father was the founder, and of which he was himself a bountiful patron. His two sons, Robert and Henry, were the foremost men in England. Both stood high in the favour of their kings. They married noble ladies and lived in honour. Robert, who did good service at Senlac, received large estates in Warwickshire. He was an ambitious, shrewd, and subtle man. Wise and eloquent in debate, his advice was received, we are told, as an oracle of God.<sup>9</sup> In the councils of Rufus he appears

<sup>9</sup> Will. Malms., G. R., v., 407.

as the head and spokesman of the baronage of the kingdom. Though he had as yet no English earldom, he took his place in the council as an earl, for as count of Meulan he had a corresponding dignity. Holding lands in England, France, and Normandy, he was the constant advocate of peace. When, in 1097, during the short war between Rufus and Philip of France, he was forced to choose between his two lords, he took the side of the English king, and the position of Meulan made his goodwill of considerable importance.<sup>10</sup> His brother Henry, a man of less ambitious spirit, was made earl of Warwick.

On the death of William Rufus, the accession of Henry was secured by the influence of the earl of Warwick, and he and his brother, the count of Meulan, became the chief counsellors of the new king. The right of Henry was joyfully acknowledged by the English people. His charter promised them good government, and by the advice of the count of Meulan he courted their favour. The count did not give this counsel from any love to the people. No less than the more violent men of his order, he disliked and despised the English. He knew, however, that his master would soon need their support. The nobles by no means shared the feelings with which the people received the king, for they knew that he was wise and strong, and that they had cause to fear him. It may be that his refusal to give up any part of his forest rights helped to irritate them. The claim of Robert was again made the occasion of a struggle against the

<sup>10</sup> Freeman, Will. Rufus, ii., 182.

firm rule of the Crown. His invasion of England in 1101 was bloodless, and a peace was made which recognized the right of Henry to his kingdom and of Robert to his duchy. Many of the nobles, however, were either openly or in secret concerned in rebellion against the king. Their breach of allegiance was repaid by a settled policy of repression. Chief among the rebels was Robert of Belesme. On his refusal to answer the charges brought against him, the king made war upon him. His castles of Arundel and Tickhill soon fell, but it was no easy matter to reduce the fortifications of the Severn. The earl made alliance with Welsh and Irish princes, and his captains stoutly defended Bridgenorth, which was the key to his position. Many great lords in the king's army urged Henry to make terms with the rebel, for they knew that his cause was their own. The mass of the army, however, which was of course largely composed of English, knew likewise that their cause and the king's were the same, and called on him to press the siege. At last Bridgenorth fell, and the earl was forced to surrender at Shrewsbury. He was banished, and his English lands were forfeited. And thus another great earldom came to an end. The English were glad at his departing. We read, in a version it may be of some popular song, how they cried, "Rejoice, King Henry, and give thanks to the Lord God; for thou wast first a free king on the day that thou didst conquer Robert of Belesme and dravest him from the borders of thy kingdom."<sup>11</sup> Robert went to his

<sup>11</sup> Ord. Vit., 808.

Norman lands, and there stirred up strife between the king and the duke. At last, in 1112, Henry caught him and shut him up in prison so closely that no man knew the day of his death.

The overthrow of Robert of Belesme, in 1102, secured the humiliation of the baronage. Henry followed up the blow by pronouncing sentence of forfeiture and banishment on Robert of Mortain. He went on with the work which Rufus had begun. Without taking any sweeping measures, he gradually ruined the great nobles. After the fall of the earl of Shrewsbury, they gave up the struggle in England, and tried to weaken the king by conspiracies against him on the Continent. They were not, however, out of his reach even there, for in 1106 Henry conquered Normandy, and thus became the lord of their lands on both sides of the sea. In the wars in which Fulk of Anjou and Philip of France upheld the cause of William, the son of Robert, the nobles often took part against Henry. He turned this to the advantage of England, for he punished rebellion in Normandy by the forfeiture of the English estates of the rebels. In this way "the battle of English liberty was fought out in Normandy."<sup>12</sup> Meanwhile, strong in the support of the clergy and the people, Henry raised up a new nobility round his throne. In the work of administration he employed men who belonged to a lower rank, and ennobled and enriched them in return for their services. In the eyes of the men of the older houses it was as though he had raised up men from the dust

<sup>12</sup> Stubbs, Cons. Hist., i, c. 10, 309.

and set them above earls. By these men, such as the Clintons and the Bassets, Henry completed the discomfiture of the great barons of the Conquest.

Although the crusades had little direct influence on England, the first of these expeditions did something towards the humiliation of the nobles. While Normandy was in the hands of Rufus, as a pledge for the money which he granted Robert for his undertaking, a party grew up in the duchy which favoured the hopes of the English king, for his strong rule was no small blessing. Robert came back from the crusade less able, and if possible less willing, than ever to give Normandy the government which it needed. Impoverished and dissipated, he had no power to resist Henry. Normandy was conquered, and its conquest brought with it the victory of the Crown over the nobles of England. The crusade also took away some restless spirits, and probably weakened some powerful families. Although these effects are not very marked, one instance of them may be noted. Ivo of Grantmesnil, who succeeded to the sheriffdom of Leicestershire, and the wide English estates of his father Hugh, came back from the East with dishonour, for he was one of those who deserted the cause of the Cross at the siege of Antioch. On his return he dared to make war on his neighbours in England—a crime which Orderic notes as contrary to the custom of the kingdom, though it was common enough in Normandy.<sup>13</sup> Henry condemned him to pay a large fine. Despised for his ill-conduct abroad and in difficulties at home, he pledged his lands

<sup>13</sup> Ord. Vit., 805.

to Robert of Meulan and again went to the crusade. Ivo died abroad, and the crafty Robert cheated his heir. He got possession of Leicester, and was made earl of the shire and town. He left three sons. The two elder, Robert and Waleran, were brought up by Henry as though they were his own sons. They inherited their father's talents, and were early famous in debate. While Henry lived, Robert, earl of Leicester, served him faithfully. During the anarchy of Stephen's days he seems to have fought rather for himself than either for the empress or the king. His brother, Waleran, count of Meulan, took part in a rebellion against Henry in 1128, and was imprisoned. He became one of the chief advisers of Stephen and was betrothed to his daughter. The male line of the earls of Leicester died out in 1204. The marriage of Amicia, the sister of the fourth earl, brought the title to the house of Montfort. Her grandson was Simon, earl of Leicester, who died in the cause of England's liberties. The baronage of England had become English before that time. As the reunion of Normandy to the crown of England was an era in the humiliation of the old nobility, so the loss of Normandy decided the national character of the baronage. The Great Charter is a declaration that the nobles and the people of England alike were English. It is a sign that the conquered land had led her conquerors captive, and that the baronage had become English in heart as well as in name.

In one respect the foreign baronage was at once marked by an English characteristic. The barons in England never attained the position of a privileged

caste. The early English polity knew no such nobility. Dignity, whether derived from descent, or office, or wealth, was purely personal. So, too, after the Conquest, nobility simply pertained to him who from tenure, and afterwards from other causes, was an hereditary counsellor of the Crown. Weakened by their struggle with the monarchy, and shorn of much of their wealth, the Norman barons could not have founded a noble caste. It was well if the successor to the dignity could hold his father's place. At any rate, the political organization of England was too strong to allow any such innovation, and the introduction of a foreign and Romance baronage failed to change our constitution in this matter. In another respect a change was made which has, in its turn, yielded to the older system. The Conquest based all dignity, and indeed all political status, on the tenure of land. The feudal custom of primogeniture, and the restraints on alienation, established an hereditary nobility founded on the relationship of its members to the Crown as its tenants-in-chief. By holding of the crown the tenant became a member of the royal court and council, and since the son necessarily succeeded to the father's holding and to his relationship to the Crown, he also succeeded to his political position and became an hereditary counsellor of the Crown. The dissolution of the union between tenure and political status lies outside the limits of this book. At least as early as the reign of Henry II. a distinction was made between the greater tenants of the Crown who received a special summons to the council, and the lesser tenants, who were summoned generally. All

the military and judicial reforms of Henry II. and much of his administrative system combined to emphasize this distinction, which was wholly foreign to purely feudal doctrine. This distinction was completely established when the lesser tenants were joined in one estate with the rest of the freeholders, and became part of the Commons ; while the greater tenants-in-chief formed a separate body with distinct personal rights of peerage. The action of the crown in the matter of summons, the gradual changes in the economic condition of society which have brought other forms of wealth into competition with land, the addition to the peerage of new ranks unconnected with tenure, the use of patents of creation, and other causes, have tended to change the basis of the qualification of the hereditary counsellors of the Crown. This change was declared to be complete when, in 1669, barony by tenure was found "not in being, and so not fit to be received." The present House of Lords is a witness of the victory over feudal ideas gained by the older English system, in which the merchantman might so thrive as to become of thegn-right worthy.

## CHAPTER XII.

## ECCLESIASTICAL TENDENCIES.

THE changes effected by the Conquest produced two opposing tendencies in the church. The feudal tenure of land, combined with the law which gave the bishops a baronial status, endangered her liberty. On the other hand, the division of the courts tended to make churchmen look to Rome as their ultimate court of appeal, and to aim at independence of the law of the land. With both these tendencies was connected a struggle for special privilege carried on by different ecclesiastical bodies. Almost wholly foreign to our older church system, these tendencies were the results of Romance influence. Their development and their decline occupy no small part of the history of our ecclesiastical polity. While the Conqueror lived, his double system of administration worked harmoniously. The first sign of contention between the tendencies towards feudalization and towards clerical privilege occur in the trial of William of Saint Calais, bishop of Durham, for his share in the rebellion of 1088. The bishop denied the jurisdiction of the king's court, though he and his brother bishops were judges of that court equally with the lay barons. "If I may not judge you and your order," said Hugh of Beaumont, "you and your order shall never judge me." He demanded

to be reinstated in his bishopric. Lanfranc defined the exact position of the case. "We judge not touching your bishopric, but as touching your fief." The bishop appealed to Rome.<sup>1</sup> As one of the king's great tenants-in-chief, he was amenable to the jurisdiction of the king's court. On the other hand, the recognition of canonical jurisdiction involved the recognition of the supremacy of the pope in ecclesiastical matters. And the bishop refused to allow any distinction between his spiritual office and his baronial status. When Lanfranc was dead, Rufus and Ranulf Flambard showed what the consequences of ecclesiastical feudalization were under an unscrupulous monarch. The king dealt with the church as he dealt with his lay tenants. The organization through which men held communion with God was desecrated and degraded by every trick of feudal administration. Church property gave no opportunity for wardship, marriage, or forfeiture. To make up for this, Rufus kept bishoprics and abbotships vacant, and entered on their lands during vacancy. He openly sold ecclesiastical offices to the highest bidder, and on a new appointment he demanded a heavy payment, which answered to the relief of a lay fee. After the death of Lanfranc the see of Canterbury lay vacant for five years. This was an outrage which touched laymen as well as churchmen. The archbishop of Canterbury held a position which had no fellow in western Christendom. He was the spiritual father of the whole kingdom and the chief constitu-

<sup>1</sup> *Monasticon*, i., 244-250.

tional adviser of the Crown. By leaving the office vacant, Rufus committed an offence against all classes.<sup>2</sup> At last, during his short-lived repentance, while he was sick in 1093, he yielded to the remonstrances of barons and bishops alike, and appointed Anselm to the archbishopric.

Anselm belonged to a noble house of Aosta. Like Lanfranc, he came to Normandy and abode awhile at Avranches. Full of the love of knowledge, he became one of Lanfranc's scholars at Bec. Even greater than his love of knowledge was his desire after God. He became a monk of Bec, and succeeded Herlwin as abbot. As a philosopher he was far in advance of his time. His Platonism led him to attempt the solution of divine mysteries and to examine the grounds of faith by the means of reason. Equally daring in inquiry and subtle in argument, he stands alone among the thinkers of older times. Gentle and loving, he was, at the same time, fearless, firm of purpose, and a hater of unrighteousness and wrong. No fitter champion could have arisen to withstand the attempt of Rufus to degrade the church. In refusing to buy the king's favour by increasing his contribution for the Norman war, Anselm rejected a demand for a payment which would have worn a simoniacal character, and would have been of the nature of a relief. Rufus used his power to thwart every effort he made for the good of the church. He asked leave to hold a synod. "I will do as I like," the king said, "and not as you like." He urged the king

<sup>2</sup> Dean Church, "St. Anselm," p. 173.

to make appointments to the vacant abbeys. "You act as you like about your farms, and shall I not act as I like about my abbeys?" was the answer.<sup>3</sup> The chief dispute arose about the recognition of Urban II. as pope. The election of Urban was disputed by Clement, the imperial candidate. Anselm had, however, recognized Urban before he had accepted the archbishopric. The king would make no choice between the two rivals, and insisted on his father's law that no pope should be recognized in England without his command. In the mouth of the Conqueror this law meant that there should be no foreign policy in his kingdom separate from his own. With Rufus it served to assert his authority and to encourage him to set up his caprice as the rule to be obeyed in matters of conscience. At the council of Rockingham, in 1095, Anselm, though deserted by his brethren, was upheld by the lay barons, and gained a victory over the king. The last attack made on him by Rufus was on a purely secular matter. Knowing that in the king's court all depended on the king's word, Anselm applied for leave to go to Rome. Although such an appeal to the pope was contrary to all national rights, it was nevertheless the only means by which the church could be sheltered from the caprice of a tyrant, and it was the natural consequence of the legislation of the Conqueror that churchmen should look on Rome as the fountain of the law to which they were amenable. Anselm left England, and William seized on the estates of his see.

<sup>3</sup> Eadmer, *Hist. Nov.*, i. 377-378.

With the accession of Henry the reign of feudal violence ended. The opening words of his coronation charter declared the freedom of the church. The King would "not sell it, nor let it to farm, nor take aught from the demesne of bishopric or abbey during a vacancy." Of his right, however, to grant investiture to bishops and abbots by the gift of the ring and staff and to receive homage from them, Henry would abate nothing. These were part of the rights of his crown and of the customs of his kingdom. They had been observed before the Conquest, and had been continued after it. Anselm himself had received this investiture from Rufus, and had done homage to him. At the same time though the ring and staff conveyed the temporalities of a benefice, their reception from lay hands marked the spirit of feudalism which had invaded the Latin church, for they were signs not of temporal possession but of a spiritual office. The temporalities of the see and the office of the bishop were confused together. Against the evils consequent on subjection to a feudal monarchy, the Latin church took up arms in her struggles against investitures. Of these evils Anselm had had bitter experience, and during his stay at Rome he learned that the ceremony on which this subjection was based was deemed to be unlawful. Nevertheless, if prelates held wide lands, it was certainly needful that they should be bound to be faithful to the king.

Anselm found in Henry an antagonist who contended for principle no less than he did himself. By the compromise which was enacted in a great council

at London, in 1107, the right of investiture was declared to belong to the spiritual power alone, while the king retained the homage of the bishop-elect. Although the victory of Anselm may seem barren because it gained nothing tangible, it really was the successful assertion of the freedom and dignity of the church against the doctrines which clung round the feudal monarchy. Anselm contended for the liberty of the church. In so doing he was forced to assert the privilege of his order by resorting to the help of the pope. For, until nations became conscious of unity, privilege was the only road to liberty. The doctrine of clerical privileges—of immunity from civil jurisdiction, of the right of appeal, and the like, grew rapidly, especially as the co-operation of the secular with the spiritual power was often hindered by jealousy. The tendency to a separate ecclesiastical jurisdiction with the pope as its head, was soon strengthened by organization. Vacarius, by introducing the civil law into England in 1149, supplied the clergy with the Roman system of procedure, and the introduction soon afterwards of the Concordance of the Canon Law gave them a legal code. As Anselm contended for liberty, Archbishop Thomas contended for the privileges of his order. Checked as these privileges were by the policy of Henry II., their strength was really first destroyed when the nation became conscious of its unity, and found the expression of that consciousness in the Great Charter opposed by Rome. At every epoch when national feeling has been quickened, under the leadership of Edward I., by the long wars with France, and,

finally, in the new energy of the sixteenth century, ecclesiastical privilege and foreign interference have been restrained. At length, the ecclesiastical independence, which had suffered from the Romance innovations of the Conquest was finally reasserted, when the English nation, seeing in the king the expression of its own united life, declared Henry VIII. the Supreme Head on earth of the Church of England.

The freedom of the English church, confirmed by Henry I., implied the canonical election of bishops. The rights of the chapters in this matter were never clearly defined before the Conquest. The strong rule of the first Norman kings tended to make the appointment to bishoprics depend solely on the Crown. Henry restored the right of election to the chapters. He made the clergy, however, come up to his court, and elect their bishop there. By this rule he retained for the Crown the virtual control of their choice. This system was a return to something like the old English practice of nominating bishops in the witenagemot. From the time of John elections have been made in the chapter-house, and the royal wishes have been expressed by letter. The gift of the pall to the archbishops gave the popes, from very early times, considerable influence over the elections to metropolitan sees. As the greater freedom of capitular elections gave rise to disputes, and these disputes were referred to Rome, the popes obtained a power of interference in the elections to other sees also. By a statute of 1531,<sup>4</sup> all reference to the pope was ex-

<sup>4</sup> 25 Henry VIII., c. 20.

pressly forbidden, and the present mode of appointment was established. The sovereign in a document called the *congré d'élier* grants the chapter leave to elect, and at the same time, by another document—the *letter missive*,—dictates the person to be chosen. The church, in the sixteenth century, was thus liberated from papal interference in elections at the cost of her subjection to the Crown. Since the establishment of a system of government by a responsible ministry, episcopal elections have again become national acts, as they were before the Conquest, and are now indeed far more truly popular acts than they were then.

Although both Rufus and Henry had disputes with Anselm, the English church, like the English people at large, upheld the Crown. The dealings of Rufus rendered the bishops subservient to him. At Rockingham, led by the bishop of Durham, by that time reconciled to Rufus, all the bishops, with the honourable exception of Gundulf, bishop of Rochester, were strongly on the king's side. Throughout the whole proceedings, they appear as "his bishops," and his men, and at his command they renounced their obedience to Anselm. Very different was the position taken by the lay barons. Robert of Meulan, that wise counsellor, was their spokesman. "He is our archbishop," he said; "and the ruler of Christianity in this land. We are Christians, and so long as we live here we cannot refuse his rule." There was, however, a nobler side to this alliance between the Church and the Crown. In full accord with the people, the Church upheld the royal

authority against the attacks of the feudal barons. Besides the action of Lanfranc, which was, to a great extent, ministerial, we have seen how Wulfstan appeared in arms against the rebels in 1075, and again in 1088. Anselm himself guarded Kent in 1095. And in 1101 the safety of the Crown was secured by the fidelity of the archbishop, of his suffragans, and of the whole English people.<sup>5</sup> This alliance continued, for we may leave out the time of anarchy, until John arrayed the clergy along with the rest of his realm in opposition to himself.

The control maintained by the Conqueror over ecclesiastical councils was abused by Rufus, who capriciously forbade them. Henry followed his father's policy, and during his reign the Church, subject to the royal assent, again exercised her legislative functions. Even during the king's dispute with Anselm, he allowed the archbishop to hold a council at Westminster, for justice was dear to them both. The decrees of this synod<sup>6</sup> show the necessity of the struggle which Anselm made to preserve the spiritual character of the Church. Feudal abuses had done much to secularize her. It was necessary, for instance, to decree that the office of archdeacon should not be let to farm, and should be held only by men who had taken deacon's orders, so thoroughly had the office of a spiritual judge assumed the aspect of a lay benefice or fief. The same tendency affected the lives of the clergy. The aim of the Hildebrandine revival was to effect a separation

<sup>5</sup> Will. Malm., v., 395.

<sup>6</sup> Eadmer, Hist. Nov., iii., 438.

between the priesthood and the world. It was not merely to increase the power of Rome by giving her an army wholly devoted to the church's cause that this separation was attempted. Spiritually-minded men adopted the same aim, for the only hope for the purity of the priesthood itself and for its influence on the world lay in its separation from the degradation of society, and from the debasing influences around it. By the council of Westminster clergy were bidden to have a tonsure that might be seen, and were forbidden to attend drinking-feasts. The chief means, however, of effecting the separation between the priesthood and the world was by enforcing the celibacy of the clergy. In England the marriage of the clergy was a general custom. Roman influence was, however, powerful with Anselm ; and a decree of the council of Westminster forbade the marriage of all who had entered the order of sub-deacon. In spite of this and other such decrees, the marriage of the priesthood was never wholly discontinued in England. The question must, as I have already said,<sup>7</sup> be judged wholly by the light of former days. In addition to other reasons which made the celibacy of the clergy appear necessary, we find from a decree of this council that the sons of priests sometimes claimed to succeed to their fathers' livings, and so the cure of souls was treated as though it were an hereditary possession. Gradually, and, as it seems, from the time of Henry I., it became the custom for the archbishop to hold his synod while the king held his great council ; and to this custom

<sup>7</sup> See page 106.

may be traced the concurrent sessions of the convocation of the clergy and of the national council. The clergy naturally valued their separate assemblies, and when Edward I. summoned them to take their place in Parliament as one of the estates of the realm, they preferred to vote their supplies in convocation. And so it has come about that the estate of the clergy has no political power apart from the Commons, save that a certain number of bishops have seats in the House of Lords. These bishops, however, do not sit as representatives of the clergy. Nor do they any longer hold the baronies which the Conqueror gave them, but sit in virtue of the wisdom which is held to be attached to their office as the bishops of certain sees, just as before the Conquest they sat among the witan.

The influence of the systematic arrangements of feudalism may probably be traced in the separation made between the property of the bishop and of the canons. The chapter became a separate corporation with its own estates. And not only so, but each canon also had his own prebend and thus became a corporation sole. The removal of the bishops' sees forwarded the growth of this separation. At first there was no distinction among the canons or prebendaries; for both titles signify the same office. A man is a canon in respect of the rule to which he and the rest of his fellows are pledged, and a prebendary in respect of the endowment or prebend which he holds. As, however, it was not needful that all the canons should reside, a part only were called into residence. Those who resided received a share

of the capitular estates besides the revenues of their prebends, while the rest had only their separate incomes. Before long certain offices, such as the chancellorship and the treasurership, were founded and endowed in each chapter,—though, at the same time, each had its special constitution, while the chapter of every secular church received a head of its own independent of the bishop by the separate endowment of the office of dean. It was of course intended that such canons as were called into residence as well as the dignitaries of the chapter should really reside. Part, however, of the evil which feudalism worked in the Church was that her offices were regarded as benefices or fiefs. So long as the service was rendered, a canon or rector had a right to hold his canonry or rectory. Plurality and non-residence followed from this doctrine. The services of our cathedral churches were performed by vicars, while the canons lived elsewhere, and often fulfilled other ecclesiastical functions. Even legal residence has been interpreted as being three months resident in and nine months away from the place of a man's office. Nor were these evil ways confined to capitular bodies. Among them they have lingered longest, but even among them a reform has begun. Canons have now lost their separate prebends, and this loss, together with the surrender of capitular estates to the Ecclesiastical Commissioners, has undone some of the work of the Norman prelates, and has opened the door to further changes. Even now the evil effects of the partial feudalization of our national church may be discerned, wherever a cathedral

church is not served by a sufficient body of resident canons, as was the custom in the days before the Conquest.

The monastic zeal of the Normans insured each new religious order a warm reception. The Cluniacs<sup>8</sup> were followed in the reign of Henry I. by the Cistercians, an order which owed its greatness to the third abbot of Citeaux, an Englishman named Stephen Harding. The first Cistercian house was at Waverley, in Surrey. As a fresh effort after greater strictness of life, this order became very popular in England. A common way of endowing both capitular and monastic corporations was by the gift of the advowson of livings. The new monastic patrons kept the tithes for themselves, and caused the services of the church to be performed by deputies or vicars. A large amount of tithe was thus diverted from its proper uses, and was, indeed, sent out of England to the monasteries to which our English houses were affiliated. Grants of land or tithes were also often made directly to foreign monasteries. And in such cases the grantees used to establish a little colony of brethren on the spot to look after their interests. These establishments were called Alien priories. As the means of sending English wealth to our enemies, they were regarded with great dislike, and were finally suppressed in the reign of Henry V. On the general suppression of the monasteries the tithes which they held were granted to laymen, and the strange system arose by which parochial tithes are frequently paid

<sup>8</sup> See page 107.

to individual lay rectors. A spirit of opposition was for awhile kept alive in the monasteries by the stern rule of foreign abbots. Before long, however, the abbots and their convents recognized that their interests were the same. A struggle with the bishops to maintain exemption from episcopal visitation enlisted them in a common cause. And as the bishops were in alliance with the Crown, and the Crown was engaged in a constant resistance to papal interference, the monasteries turned to Rome for help. And thus, as the policy of our kings became decidedly national, the monastic bodies remained in opposition, though they changed their ground and sought their strength from foreign sources. In monastic cathedrals, an institution almost peculiar to England, the chapters were necessarily in close relation to their bishops, and had neither the independent status of secular chapters nor the exemptions of other monasteries. In order to attain a like independence they strove to secure as their bishops monks who would be naturally inclined to forward their wishes at the expense of their own sees. Some sharp struggles arose between these monastic chapters and such bishops as were determined to control them.<sup>9</sup>

While the monks sought the help of Rome, the king and the bishops were at one in opposing papal interference. Henry followed the policy of his father in forbidding any legate to land in England without the authority of the Crown, while Anselm

<sup>9</sup> This question, together with the most famous of the controversies which arose from it, is discussed by Dr. Stubbs in his *Introduction to Epp. Cantuar.*, R. S.

claimed that the legatine office belonged to his see, and resented any infringement of its rights in this matter. Not long after Anselm's death it was acknowledged that the legatine authority over all Britain belonged of right to the see of Canterbury. In this way the Crown was brought to allow a system by which papal jurisdiction was established in England. At the same time the right of the kingdom to be exempt from the visits of special legates *a latere* was acknowledged, and the influence of the archbishop as *legatus natus* was not of a character to injure materially the rights of the Crown. This combination of the legatine with the metropolitan authority worked some ill to the Church in matters of jurisdiction, for it confused the power which the archbishop had in virtue of his see with the powers with which he was invested as the representative of the pope. The rights of Canterbury over Wales and Scotland, and the leading characteristics of the Church in both countries will be spoken of in the next chapter.

The tendency of the Church to secularization was as much the result of the wealth with which the piety of her members endowed her as of the feudal influences around her. Bishops and convents were large landowners, and the management of their estates entangled them in the affairs of the world. With greater leisure and a better education than their lay neighbours, churchmen employed their wealth to more advantage than other landowners. While other lords were often absent from their lands on warlike expeditions, the ecclesiastical landlord was always at

home. While forfeiture or failure of male heirs caused the loss or division of lay estates, the lands of a bishopric or abbey ever grew greater. The registers of religious houses prove the care and exactness with which they managed their property. A chartulary of Glastonbury of the middle of the twelfth century, for instance, presents a picture of a vast estate where a good return is insured by an elaborate system of organization. Every department had its own officers, and every workman his proper work. Chase and fishpond, cornland, orchard, and meadow each yielded its full return to the abbey. Some state there was in such lordly households, but there was no waste and nothing lost for lack of knowledge. The wealth which they derived from agriculture led some abbeys to engage in trade. Abbots held markets in their towns ; and where their houses stood, like the abbey of Abingdon, on a navigable river, ships brought up or carried away their merchandise. Rights of fairs and markets were sometimes hotly disputed between an abbey and the town which sprang up at its gates. Churchmen were the lawyers and physicians of the day, and fresh gains flowed into the church either directly or indirectly from their professional skill. When Herfast, bishop of Thetford, came to Baldwin, the abbot of St. Eadmund's, to be healed of a hurt to his eyes, he paid his fee beforehand in acknowledging the independence of the abbey.<sup>10</sup> And when Matilda, the queen of Henry I., was at Abingdon, whither she

<sup>10</sup> Heremann, *Miracula S. Eadm.*, ed. Liebermann.

went before the birth of her son, to be under the care of the famous surgeon the Abbot Faricius, she handsomely rewarded her attendant for his services. As their riches increased the monks entered on financial business, and even farmed the taxes of towns. This practice was forbidden by the council of Westminster, and in the reign of Edward III. it was declared unlawful for an ecclesiastic to engage in trade.<sup>11</sup>

Against this wealth and the worldly spirit it engendered a protest was for awhile made by the new Cistercian order, until it also fell into the same snare. Manual labour formed no small part of the Cistercian life. The sites of their abbeys were carefully chosen. While the Benedictine houses for the most part stood in the midst of the dwellings of men, the Cistercian abbey was of set purpose raised in silent places. There the industry and wisdom of the new settlers made the desert to blossom as the garden of the Lord. Plain as their churches for the most part are, the natural beauties of their lonely sites, where wood and water meet, lend a peculiar charm to Tintern, to Old Cleeve, and to the great northern houses of Rievaulx, Fountains, and Kirkstall, where the industry of the monk repaired the ravages of the warrior. The riches of the Cistercians soon rivalled those of the Benedictines. For the first half of the twelfth century, however, the new order was regarded as a model of spirituality.

While the Church had, it is true, too much of the ways and of the spirit of the world, she ful-

<sup>11</sup> Chron. Monast. de Abingdon, R. S., Introduction, and pp. 45, 50-52.

filled, however imperfectly, a lofty mission. Apart from her distinctly spiritual work, she exercised an elevating influence on society. From her alone came such relief of the poor, such care of the sick, such sympathy with the oppressed, as softened the roughness of the age. She expounded and enforced the obligations of morality. At her bidding violent men restrained their lust and cruelty and greed. However much such men might desire to rebel against the rule of her ministers, they knew that the time would come when her prayers would be of more value to them than any present pleasure, and they turned and repented. The very impression which such hardened rebels as Rufus and Robert of Belesme made upon society shows that such hardness was a strange thing. For the most part there was no baron, however mighty, but at the Church's bidding he would give up his sin and submit to the most humiliating penance. By her teaching, her discipline, and even by her very existence and prosperity, the Church taught men that there was a force greater than brute strength and a higher law than the dictates of caprice or passion.

## CHAPTER XIII.

## ADMINISTRATIVE COMBINATION.

UNDER the two first Norman kings the Teutonic and Romance systems of administration existed together without any clearly-defined points of union. The character of the kingship, the obligations of tenure, and the relations between the royal and local courts were undetermined. The reign of Henry I. is marked by the rise of a national system. It was a period of combination and arrangement. Although the progress of this work was interrupted by the anarchy of Stephen's time, the work itself did not perish. Adopting the administrative reforms of his grandfather, Henry II. gave them a more complete organization, and made them the means of keeping the constitution free from feudal elements. The character of the reign of Henry I. corresponds to the national tendencies of the legal and administrative changes effected under his rule. Born in England, the son of a king of England, and speaking the English tongue, he appears throughout his reign as a national king. No less selfish and hard-hearted than his father and brother, he brought his people the boon of orderly administration, and in doing so fenced in the baronial power by the permanent restraints of a legal system. The English custom of election was in his case, to some extent, a reality.

Supported at first by only a small party among the barons, he recognized the right of his people to good government by putting out a charter of liberties at his coronation. The church was freed from oppression, feudal exactions were to be limited by justice and law, knights who held their land by military service were not to be burthened with other demands, and no man was to be required to find unreasonable bail. The needs of the people generally were not forgotten. Good peace and the law of King Eadward as amended by the Conqueror were promised. Nothing, however, shows more distinctly the national position which Henry assumed than the clauses commanding that, as he pledged himself to do by his tenants in the matters of reliefs and marriage, so they were to deal with their men. Such an interference between his barons and their tenants struck at the very essence of feudalism.

The political aspect of the marriage of Henry with Eadgyth was not forgotten by the English chronicler. Nor did it escape the barons, for those who were of Robert's party sneered at the king and his English queen, calling them by the English names Godric and Godgifu.<sup>1</sup> The claims of his brother Robert and his struggle with Robert of Belesme threw Henry on the support of the English, and, as we have seen, they did not fail to recognize the community of interest between the king and themselves. No less clearly did the efforts of Henry to secure the succession of his children exhibit the national basis of

<sup>1</sup> Anglo-Saxon Chron., 1100; Will. Malms., v., 394.

the kingship. Besides taking all possible means to make the future position of his son William certain in Normandy, he caused all the chief men of his kingdom to swear fealty to him, in 1116, at a great meeting of the witan at Salisbury. The ætheling was drowned, and the second marriage of the king proved unfruitful. Henry, therefore, set himself to secure the succession of his daughter Matilda, the widow of the Emperor, Henry V. In a great council at London in 1126 all the chief men swore to receive Matilda as their "Lady." Among them, the second after David, king of Scotland, to take the oath, was Stephen of Boulogne. The next year Matilda married Geoffrey, count of Anjou. The oath of succession was renewed at Northampton in 1131, and after the birth of Henry of Anjou the witan swore to accept him as the next king. Whether Roger, bishop of Salisbury, spoke the truth or not when he said that the oath taken at London was on the condition that the king should not marry his daughter to any foreign lord without the advice of the witan, the very fact that he often said so shows that on such occasions the acceptance by the witan was a real election.<sup>3</sup> The English idea of the kingship was preserved by these measures, for while Henry sought to establish hereditary succession, he sought to secure it by the vote of the national assembly. While, however, Henry relied on the support of the nation, his reign had in some respects an anti-national character. He was much in his Continental dominions, and any one from beyond sea

<sup>3</sup> Will. Malms., Hist. Nov., i., 3.

had a better chance of promotion than a man born in England. At the same time, though the character of his reign was by no means English in the narrower sense of the word, the tendency of his work was to bring the native and foreign elements in the administration into some sort of union, and so to lay the foundations on which the fabric of the English law and constitution was raised again.

The clause in the coronation charter of Henry I. referring to military tenure points to the growth of a new idea. From the natural tendency of feudalism to construe every duty connected with land as a condition of tenure, the obligation of thegnhood, or the duty which lay on the possessor of every five hides to provide a fully-armed man, came to be looked on as a military service rendered for the land. This service was at first rendered from the whole estate. As, however, estates fell to the Crown and were re-granted, or as such arrangements were found convenient, only certain parts of them were charged with the military service due from the whole. The parts so charged became knights' fees, or parts of knights' fees, and the remainder was granted out as socage land. No constant amount of land was represented by the knight's fee, which appears to have been of the value of £20 a year. By this distinct obligation attached to certain fees, the growing tendency towards military feudalism was checked as regards a large portion of the whole land. And, while a definite military service was settled on certain parts, the influence of the English thegn-duty on the development of that service, as well as the firm policy of

our kings, caused it to be looked on as due to the Crown and not to the immediate lord. For though the tenant by knight-service followed his lord in the army of the king, he did not render a separate service to the Crown; he merely helped to make up the whole amount of service which was due from his lord. The process of division into knights' fees was slow. It was not complete when Henry II. deprived this tenure of much of its natural character by taking the money-payment, called *scutage*, in lieu of military service. This measure, which enabled the Crown to find its support in taxation rather than in the feudal relation, was foreshadowed by certain compositions and payments made in the reign of Henry I.<sup>3</sup>

William II. lessened the authority of the shire courts by making them the means of extortion. As these courts acted as a restraint on the growth of private franchises, and were used by the sheriff for transacting the fiscal business of the Crown, Henry was careful to restore their dignity, and ordered that they should be held and attended as in the time of King Eadward. He combined, however, the action of the Crown with the working of these lower courts, and lessened their original authority by interfering with them, both as regards procedure and by direct visitation. In addition to the old English forms of proof, the Normans introduced trial by combat and by sworn inquest. During the reign of Henry I. the ordeal was used less frequently than before. For though the English and the Normans each kept

<sup>3</sup> Pipe Roll, 31 Henry I.; Madox, Hist. Exch., c. 16.

their own law in this matter, the combat was more attractive than the ordeal, and was resorted to by men of both races alike. In civil cases, however, the usual method of procedure was by inquest, in which the sheriff, in virtue of the king's writ, caused a body of men, generally twelve in number, to find the facts of the case on oath.<sup>4</sup> The work of this body of jurors was wholly different from that of the twelve senior thegns, who, according to the law of *Æthelred*, swore to "accuse no innocent man nor conceal a guilty man," for these thegns attended the gemot to make a general presentment, while the recognitors swore to declare the truth in a particular case which was laid before them. The trial by inquest is a great step in the growth of trial by jury, while the presentment of the thegns of *Æthelred*'s law is to be connected with the action of the grand jury. The growth of this method of proof during the reign of Henry is illustrated by the appearance of a distinct body of men, called *judices et juratores*, who were bound, every one, under penalty of a fine, to attend the shire court for the purpose of making sworn inquisitions. They were men of good position, for the "mean men" were only bound to attend generally. The fines for non-attendance at the shire court were heavy, and the *judices* and *juratores* of Yorkshire paid no less than £100 to be relieved of their duties. By the institution of this office, the judicial rights of the whole body of the suitors of the court were handed over to a select

\* See page 123.

number, composed of the richer class. The introduction of the inquest probably opened the way to the exercise of the royal authority by means of writs, which after the Conquest rapidly displaced the English custom of verbal process. All suits relating to land could be heard and determined by the local courts. As, however, the Norman king was lord of the land, the doctrine became established that no one was bound to answer concerning his freehold without being summoned to do so by the king's writ. Before the Great Charter (art. 34) writs were sometimes obtained by which the right to a freehold was tried in the first instance before the king's court. In other cases the local courts heard these questions by virtue of the royal writ, and if justice was not done the case was removed by writ to the higher court. This system of writs appears to have grown greatly during the reign of Henry I. It became the foundation of those forms of real action which lasted until the present century. These writs invaded the independent action of the popular courts. At the same time they connected the English and the Norman methods of jurisdiction, and gave unity to our legal procedure.

During this period of legal activity the business of the king's court was conducted by Roger, bishop of Salisbury. Roger was a poor Norman priest, whom Henry made his chaplain before he came to the throne. He rose with the rise of his master, who made him first chancellor and afterwards justiciary. His great work was the organization of the Court of Exchequer, which united the revenues

derived from national and from feudal sources by bringing both into one common account. The Exchequer took its name from the cloth, chequered like a chessboard, which covered the table at which the officers of the court sat to receive accounts. All the great officers of the household, together with such as the king appointed, and the justices of the king's court, were Barons of the Exchequer.<sup>5</sup> In this court all the fiscal work of the administration was transacted. There the sheriffs and other ministers or debtors of the Crown rendered their accounts. The first official records seem to have been made in its rolls. Before the Conquest entries of transfers and grants were made in the vacant leaves of service books, and were received as evidence in the court in which the transaction had taken place. The earliest of the rolls of the Exchequer—called, from their shape, Pipe Rolls—still preserved to us contains an account of the Michaelmas session of 1130 (31 Hen. I.). This roll presents a complete picture of the fiscal administration of the kingdom. The sheriffs' account for the old payment, called the *ferm* or rent of the shires, which was of the nature of a composition for various rights of the crown; for the Danegeld, which was also fixed at a certain sum; and for the *auxilium civitatis*, a payment of a like nature made by the towns. Fines, compositions, and the rents of crown lands were also brought in at the same time, together with many miscellaneous payments, such as five ounces of gold

<sup>5</sup> Stubbs, Const. Hist., i., c. xi. sec. 126.

from the shoemakers of Oxford that they might again have their guild, and many sums paid by the Jews of London to be allowed to collect the money owed to them. Along with these sources of income are entered the payments which accrued to the king as feudal lord. In Kent, for example, Turgisy of Avranches pays 300 marks of silver and one mark of gold for the land and wife of Hugh of Albertville, and to have wardship of his son until he should be twenty years of age. With these payments should be classed the sums brought in by the sale of offices, which varied from £3,006. 13s. 4d., owed for the custody of the Great Seal, to half a mark of gold, paid by William, the son of Wido, the cook, for his father's office in the king's kitchen.

More important than any other step in the combination of the popular and royal systems was the institution of judicial circuits. The fiscal business of each shire was transacted in the shire court, and when a new tax was to be declared and assessed, Henry seems to have sent some of the justices of the Exchequer to the various shires, both for that purpose and in order to overlook the fiscal work of the sheriffs. Special commissions for judicial purposes were, as we have seen, issued by the Conqueror, and it was therefore natural that when the Exchequer justices went on circuit they should undertake judicial as well as fiscal work. In carrying out these changes, Henry largely employed the services of those men of secondary rank whom he raised up, as a kind of official aristocracy, to counterbalance, and indeed to take the place of, the nobles of the Conquest. The

institution of circuits caused the sheriffs to lose the cognizance of those more important cases called pleas of the crown, which were reserved for the itinerant justices. From the same cause also the shire court lost some of its original dignity, since it was only invested with its highest importance at the visitation of the justices. On these occasions it assumed the character of a provincial session of the royal court rather than of a popular assembly. The fuller organization of the various means by which the central and the local forces in the administration were combined, and the higher work of applying their combined action to the constitutional education of the people, belong to Henry II. Yet the foundations of his work were laid by his grandfather. Nothing indeed in the reforms of Henry I. can be said to have been absolutely new. What was new was, that out of the various materials existing in the English and Norman methods of administration he constructed the foundation of a single national system.

During the reign of Henry I. an advance was made towards the attainment of municipal privileges. An English town at the date of the Conquest was a collection of townships and lordships with their several courts, and with only so much unity as was implied by the possession of a common court, answering to the court of the Hundred, and by an aggregate assessment which was included by the sheriff in the ferm of the shire.<sup>6</sup> Little change seems to have been effected by the Conquest in the character

<sup>6</sup> On the constitution of towns before the Conquest, see Stubbs, *Const. Hist.*, i. c. xi.

of our towns, save that they shared the general effects of the introduction of feudal doctrines. In accordance with these doctrines the English rights of *sac* and *soc* were interpreted, in the case of towns as well as of the country, as implying a manorial estate. In some towns certain of the inhabitants, in the reign of Henry I., made agreements by which they purchased the ferm of their town by paying a fixed rent. By this means they gained the right of assessing and collecting their own ferm without the interference of the sheriff. Henry granted a charter to the Londoners, which, though of course conveying privileges far beyond those of other towns, may be taken as setting forth the position at which others aimed, and to which some partially attained about the same period. Even in this charter there is no hint of any corporate existence. It frees the citizens from the interference of the sheriffs, giving them the right of electing these officers for themselves, and even granting them the ferm of Middlesex ; it also gave them various privileges as regards jurisdiction and immunities from toll. Other lords followed the example of the king in granting charters to their towns, and often obtained leave from the Crown to grant greater privileges than they could otherwise have done. The townsmen who bought the ferm held a position answering to the freeholders or socage tenants of a manor. They held by burgage tenure, and were the fully qualified members of the common court of the town. In a trading town, their character as traders overshadowed their position as owners of land, and they appear as the merchants of the guild. Holding the ferm of their town, these

men were closely united in one body, and under the Angevin dynasty form the *communa*, with the *major* or mayor at their head. In the case of London, the citizens seem to have aimed at this new phase of municipal life as early as the reign of Stephen. There, the old organization of the portreve, and of the great guild with which he seems to have been connected, gave place in the reign of Henry I. to the elected sheriffs. The right of electing these officers was soon afterwards lost, perhaps even in the same reign, for in 1130 the Londoners paid 100 marks of silver for it.<sup>7</sup> Dr. Stubbs has suggested—and the suggestion is full of interest—that the change implied in Henry's charter may account for the strong support which the great merchant city gave to Stephen. In the *communa* and the mayor her old organization lived again, under a different name and for different ends.

<sup>7</sup> Pipe Roll, 31 Henry I. Cons. Hist., i., xi., 131.

## CHAPTER XIV.

## ANARCHY.

As long as the doctrine prevailed that the king's peace fell into abeyance on the death of each king, it was necessary to supply the vacancy of the throne as quickly as possible. On the death of Henry much disorder ensued. Suddenly freed from the strict administration of the law, robbers infested the country; the game was almost exterminated, and trade was brought to a stand. When Stephen, count of Mortain and Boulogne, a grandson of the Conqueror by his daughter Adela, offered himself to the citizens of London as their king, they accepted him for the sake, it is said, of a speedy restoration of order which was necessary for their trade. Henry, bishop of Winchester, the brother of Stephen, persuaded Roger of Salisbury to open to the count the vast treasure of the late king. Strong efforts were made to induce the archbishop of Canterbury to perform the coronation. And when he and others hesitated to break the oath made to Matilda, the friends of Stephen answered, that the oath was taken under compulsion, that Henry only wanted to secure peace with the count of Anjou and not to make him his successor, and that, as Hugh Bigot, the seneschal, ventured to affirm, he had on his deathbed actually released the barons

from their oaths. The archbishop yielded. At his coronation Stephen put forth a short charter repeating in general terms the promise of good law made by Henry I. The kingship of Stephen was ratified by general assent. To the Normans the count of Anjou was a foreigner, and between them and the Angevins was the memory of a bitter struggle. All classes believed that Stephen could lighten the heavy yoke of his predecessor ; and he did not hesitate to promise what was asked of him in order to gain the good-will of all. He is said to have agreed to abolish the Danegeld. His other promises were embodied in a charter given at Oxford. The freedom of the church was declared, the property of vacant sees was to be carefully administered, and the wills of clerks were to be respected. The new forests made by Henry were to be given up, and good law was to be administered for all. None of these promises were kept. Yet of all men Stephen seemed most fit to be king. Brave in fight, gentle and affable, he was a better man than most of the French or Norman barons. As a king he failed. Easily persuaded, he was weak and complying when he should have been firm, and his weakness led him into treacherous dealing. He lacked perseverance, and thought it no shame to be foiled or to draw back in what he had undertaken. His utter want of kingly dignity was shown by his applying to Innocent II. for recognition, and stating the papal confirmation in his Oxford charter along with his election by the clergy and people of England.

Although Stephen was universally acknowledged,

many of the first men in the kingdom regarded his kingship as on its trial. Robert of Gloucester, for instance, the natural brother of the empress, swore fealty to him on condition that he was well treated. Stephen spared neither money nor entreaties to gain the favour of these men. Some outbreaks of revolt in 1136 showed how slight a hold the royal authority had. The most serious of these was the insurrection of Baldwin of Redvers, earl of Devon and castellan of Exeter. His family connexions, as well as his wealth, made Baldwin one of the most powerful of the baronage of England. Going down from his castle with his armed men he insulted and oppressed the citizens of Exeter. They sent to the king for help. For a long time Baldwin held his castle against the royal army. Fighting on the king's side were many barons who were secretly concerned in the revolt. For this was by no means an isolated movement: it was rather the premature outbreak of a wide-spread disaffection.<sup>1</sup> These men compelled Stephen to grant terms to the garrison, on the ground that Baldwin's men had never taken an oath to the king, and that in fighting against him they were faithful to their lord. From this doctrine of Continental feudalism, which was utterly subversive of all national government, England had been hitherto saved by the firmness of our Norman kings. In much the same spirit a little later, Miles of Beauchamp declared that he would do the king such service as he owed, but refused to give up to him the

<sup>1</sup> *Gesta Stephani*, 27.

castle of Bedford. Acknowledging the king merely as their feudal lord, these barons would not recognize him as the national sovereign. Stephen for the time triumphed over the rebels, but the moral weakness which he displayed in dealing with them encouraged future revolts. In 1137, after a successful expedition to Normandy, he made peace with Geoffrey; and Lewis of France accepted the homage of his son Eustace for the duchy. Thus during the first two years of his reign Stephen was prosperous. During these years, however, were sown the seeds of future anarchy.

In 1138 many revolts were made along the Welsh border and in the west, where Robert of Gloucester was at the head of the insurgent barons. A Scottish invasion added to the danger. At the beginning of Stephen's reign, David of Scotland declared for his niece Matilda. He was then bought off by the cession of Carlisle and the grant of the earldom of Huntingdon to his son. He now ravaged the north and led a motley host of Scots, Galwegians, Cambrians, Normans, and English into Yorkshire. He was met by a local resistance. The lords of the north banded together. They were joined by the forces of the shire, and at the bidding of Archbishop Thurstan, who was represented in the army by his suffragan of the Orkneys, the priest of every parish marched with the men of his flock to the fight. The army gathered round a Standard, like the *carroccio* of the Italian cities, which has given its name to the battle. On this tall mast was fixed the Host, and from it streamed the banners of the Yorkshire

churches of St. Peter of York, St. John of Beverley, and St. Wilfrid of Ripon. The Scottish army was defeated with great slaughter. Meanwhile, Stephen was engaged in the west, besieging castle after castle, on the whole not unsuccessfully. His authority was, however, destroyed by the means which he took to strengthen it. Instead of relying on his own people, he hired Flemish and Breton mercenaries to uphold his throne. Instead of keeping down the barons by force, he sought to win them by concession. Those who were of his party were allowed to build castles and live in them like petty monarchs. He made new earls, and gave them grants out of the treasury to support their dignity. He gave until he had no more to give, and then he debased the coinage and so injured trade. His gifts filled the barons with mutual jealousies and insured their unfaithfulness. When they found that he had no more for them, they revolted and used the strength which they had acquired from his concessions against him, against each other, and against the people. He completed his own destruction by a quarrel with the Church. For about four years he received the support of the clergy. The continuance of this support was apparently insured by the grant of the legatine commission to Henry of Blois; for, as legate, Henry had the real command of the clergy. Roger of Salisbury was still justiciary, his son was chancellor, one nephew, the bishop of Ely, was treasurer, another was bishop of Lincoln. Amid the many castles which began to cover the land, the fortresses of these magnificent prelates were conspicuous for

beauty and strength. At Devizes—and men thought there could not be a more splendid castle in Europe than that which Roger built there,—at Sherborne, and at Malmesbury, the castles of the great minister excited the jealousy of the barons. The brothers, Robert of Leicester and Waleran of Meulan, persuaded Stephen that the bishops were secretly in favour of the daughter of the master to whom they owed their greatness. Like most weak men, Stephen was given to sudden acts of violence. While the bishops of Salisbury and Lincoln were at his court at Oxford in 1139, he seized them and the chancellor with them and compelled them by violence to give up their castles. With characteristic lack of dignity, he condescended to appear by counsel, and defend his conduct before a synod held by the legate and the archbishops at Winchester. His refusal to reinstate the bishops alienated the whole body of the clergy, with his brother at their head.

With the seizure of these great officers of state all government ceased. The “solemn courts” were no longer held at the festivals, and all administrative business was suspended. Robbers infested the highways. Every castle was filled with “devils and evil men.” Within their walls fierce lords wrung the last piece of money from the peasants by unspeakable tortures. “They hanged them up by the feet and smoked them with foul smoke.” “Some they put in a chest that was short, and narrow, and shallow, and put sharp stones therein, and pressed a man therein so that they brake all his limbs.” These and many more torments, recorded in the despairing pages of the

Chronicle, did the lords of each party inflict both on the poor and on their prisoners. Towns were burthened by a feudal exaction of which the very name (*censerie*) was strange to English ears, and when they could not pay they were robbed and burned. The land lay untilled, and the people were wasted with famine. Even the churches did not escape the robber and the destroyer. Wicked men in their pride and poor men in their misery alike said that “Christ and his saints slept.”<sup>2</sup> In the west, the citizens of Bristol, the second city in the kingdom for strength and riches, made war on their own account as much as for Earl Robert, and, like the lords of the castles, tortured their prisoners. The coming of the empress for a short time invested the general disorder with somewhat of the character of a regular civil war. The citizens of Lincoln called the king to help them against the earl of Chester, who held the castle there. This Ranulf of Chester was son-in-law of Robert of Gloucester. After having received great favours from the king, he now turned against him. The king besieged the garrison of the earl. Robert of Gloucester and Ranulf, with all the strength of their party, advanced to raise the siege, and after a fierce battle defeated the king and took him prisoner. Then the legate held a council of bishops and abbots at Winchester, and there Matilda was elected “Lady of England.” She went to London, and in a little while offended the citizens by her pride, by her demands for money, and by her

<sup>2</sup> Ang.-Sax. Chron., *sub an. 1137.*

scornful rejection of their requests that she would release the king and would grant them "the laws of King Eadward."<sup>3</sup> She also offended the legate Henry. When the king was exchanged for Robert of Gloucester, who also had been taken prisoner, affairs fell back into their old state of confusion. The causes of the king and the empress were again made second to the private ends for which men fought. Each baron adopted either cause, as it suited him best at the time, and made his party an excuse for his acts of violence. Geoffrey of Mandeville, for instance, was made earl of Essex by Stephen, and was castellan of the Tower of London, of Walden, and of Plessey. He also held his earldom by the grant of Matilda, who made him hereditary sheriff of London and Middlesex, and gave him many other rich gifts. His fellow-lords saw his power with jealousy, and excited the king against him. Stephen, in 1143, seized him by craft when he was at his court at St. Alban's, as he had already seized the bishops, and as, a few years later, he seized Ranulf of Chester. By threatening the earl with the gallows, the king made him give up his castles, and then let him go. Geoffrey raised a band of men, allied himself with William of Say, and ravaged the country, slaying, torturing, and pillaging wherever he came. He took Cambridge by surprise. The citizens in these evil days had stored their valuables in the churches. Geoffrey's men hewed down the doors and fired the buildings. The wrecking and burning of churches, indeed, seem to have formed part of the

<sup>3</sup> Gervase, 1355.

regular duty of one of his chief officers.<sup>4</sup> The king pursued him in vain, for he sheltered himself among the marshes of the Ouse and the Nen. He came unawares on Ramsey Abbey, turned out the monks, and made the very church a stronghold for his band. In alliance with Hugh Bigot, he cruelly oppressed the land, until at last he was slain by the king's troops. And as Geoffrey of Mandeville did at Ramsey, so did Robert Marmiun at Coventry.

In the midst of the general disturbance, the Church made her power felt. The return of Henry of Blois to the party of his brother enabled the clergy to take measures against the robbers of churches. Henry lost the legation by the death of Innocent II., and the office was, after a while, conferred on Theobald, archbishop of Canterbury, who thus gained his proper place in the church. Theobald was distinctly in favour of the right of the empress. He was not a violent partisan, and cared more for rights ecclesiastical than for secular politics. Up to this time the bishops had yielded to the spirit of anarchy, and many of them had even taken part in actual warfare. Under Theobald, the attention of the Church was directed to clerical matters. The conduct of Stephen with regard to these matters insured the final success of Henry of Anjou. He was accused of having procured the election of his nephew William to the see of York by exercising an undue control over the chapter. The election of William was opposed by the great Cistercian houses

<sup>4</sup> Henry Hunt., *sub an. 1144*—“cujus officium fuerat ecclesias frangere.”

of the north, and especially by Henry Murdach, abbot of Fountains. The pope, Eugenius III., was himself a Cistercian, and was, moreover, guided by the famous Bernard, abbot of Clairvaux, the head of the order. Some of the kinsmen of William broke into the abbey of Fountains and sacked it. William was deprived by the pope, and the abbot, Henry, was made archbishop. Stephen refused to recognize him. The citizens of York also upheld the cause of William, and took an active part in the quarrel. The pope, and the whole Cistercian order, now at the zenith of its power throughout all Latin Christendom, were thus thrown into opposition to the king. On the other hand, the quarrel drew Henry of Blois nearer to his brother, and it is evident that the king had a party among the clergy. Stephen's next step was even more fatal to his own interests. He forbade the English bishops to attend the council held at Rheims in 1148. Theobald disobeyed the command, and the king banished him. But Stephen was not strong enough to carry out such a policy, and when his lands were laid under an interdict, he gave way about both the archbishops. Theobald was restored, and Henry was enthroned at York. Although the bishops under Theobald were averse to war with Stephen, the king's conduct in these matters fully determined them to secure the succession for Henry. When therefore Stephen asked them to consent to the coronation of Eustace, they refused to do so, and produced a letter from the pope forbidding them to allow it. This letter was procured by the foresight of a clerk belonging to Theobald's household,

named Thomas of London, destined to be known in after-days as St. Thomas, archbishop of Canterbury. The war in England was now gradually dying out. Even the earls of Chester and Leicester ended a dispute which they had carried on almost as independent powers by a treaty made in the same spirit. One article of this remarkable document provides, that if the king should require Earl Robert to serve against the earl of Chester, he was not to take more than twenty men with him.<sup>5</sup> It was, indeed, exhaustion rather than any desire for orderly government which caused the baronage to yield to the efforts made by the bishops to bring about a pacification.

The refusal of the bishops to allow the coronation of Eustace made the way plain for Henry of Anjou. Sent by his father to England in 1142, he stayed for four years at his uncle's strong castle of Bristol, learning all that became his rank. Then he left his books, and went for a while to the court of his uncle David, from whom he received knighthood. He was thus kept before the eyes of his mother's party as their future king. During the anarchy in England, Geoffrey gradually conquered Normandy and handed it over to his son. The marriage of Eustace with the daughter of Lewis VI. was followed by a French attack upon the duchy. Henry, who succeeded his father as count of Anjou in 1151, successfully defended himself; and his marriage with Eleanor of Aquitaine, the divorced wife of Lewis VII., made him more than a match for his lord, the French king.

<sup>5</sup> Dugdale, *Baronage*, p. 38.

He was called to England to head his party and landed in 1153. Coming with a small force, he relied on the native troops who rallied round him. There was no battle, for the barons on each side were afraid lest either the king or the duke should gain a decided victory, for then the victor would have been able to rule them at his will. Peace was made possible by the death of some of the more violent partisans on each side, such as Robert of Gloucester, Ranulf of Chester, and Simon of Northampton. And when his son Eustace died, Stephen was content to yield to the efforts of the bishops. By the treaty of Wallingford, he retained the throne for his life. He promised to be guided by the advice of the duke, and he and all the lords accepted Henry as the next heir. All royal rights usurped by the barons were to be resumed, all unlicensed castles destroyed, the mercenaries disbanded, the clergy freed from unjust taxation, the coinage reformed, and peace and order established. Some attempt was at once made to enforce these provisions. The death of Stephen in 1154 gave the throne to Henry, the first of our Angevin kings, and the restoration of order and the organization of the state were vigorously carried out.

Unimportant as the mere details of anarchy are, the reign of Stephen was not without its bearing on our history. The anarchy itself marked out the character of the work which Henry II. had to undertake. Weakened by strife, the barons were unable to withstand his strong rule. Little loyalty to the throne remained, for men changed sides just as it suited their own convenience. On the other hand, the old

nobility had passed away, and with it had passed the traditions of Norman disloyalty as well as of Norman faithfulness. The earlier kings were engaged in a personal struggle with a baronage of their own race,—it may almost be said with men of their own household. The struggle between the first Angevin king and the new baronage was political rather than personal.<sup>6</sup> The stoppage of the administrative machinery led Henry to re-model it after a more elaborate fashion. He found the sessions of the courts interrupted, the use of the national militia discontinued, and the financial arrangements of the state broken down. The necessity for restoration gave him the opportunity for reform. A leading characteristic of his reforming work was the introduction of the people to a share in administrative business. In assigning them the duties of making certain presentments in matters of taxation and jurisdiction, he laid the foundation of the work of Edward I., and indeed of every advance made towards complete self-government by representation. Henry employed the local and popular organization which marked our political system before the Conquest as the means of carrying out his reforms. And this was made possible by the fact that he found the union of the people of England virtually complete. Welded together by the sufferings of the anarchy, the two races lost the distinctions of the Conquest. It was possible to employ the English organization effectually because the Normans in England had become Englishmen.

<sup>6</sup> Stubbs, *Introd. to Gesta Hen.* ii., R.S., ii. XLIV.

During the whole period of the anarchy the new and vigorous life of the towns may be discerned. Leaving the pre-eminent position of the Londoners out of account, it is evident that Bristol, Exeter, York, and Lincoln, in spite of the feudal violence around them, preserved the independence of their municipal life and action. The power of the clergy also increased in the midst of the general weakness, for the Church did not share in the disorganization of the state. The accession of Stephen, the election and the rejection of Matilda, the pacification at Wallingford, and the peaceful accession of Henry were in no small degree the work of the clergy, led first by Henry of Blois and then by Archbishop Theobald. Under both leaders a close connexion was maintained between the action of the English Church and the policy of Rome. The weakness of the Crown and the violence and changefulness of the times worked together to strengthen this connexion. Appeals became constant during the legation of Bishop Henry, and a large number were made at the council of London, held by Archbishop Theobald in 1151. At this time too the Church formed a fresh tie with Rome. Anxious to improve the administration of the ecclesiastical law, Theobald brought Vacarius over from Rome to lecture on the civil law in Oxford. Stephen, it may be, saw something of the strength which this new teaching would give to the ecclesiastical party; and against that party he knew that he had offended. Nor was Henry of Blois likely to look with favour on anything done by the archbishop. Vacarius was banished. It was not so

easy to undo his work, and before long Englishmen went to learn the procedure of the imperial law at Bologna and Pavia. The Decretum of Gratian reached England shortly afterwards.<sup>7</sup> The rejection of the civil law which supplied the church with the rules of procedure adopted by Latin Christendom, and the coldness with which the jurisprudence itself of Latin Christendom was received must be viewed in connexion with the events of the next reign. Well as it was for the Church that her system of law should be regulated, these new studies did much to embark her on the struggle for privilege, of which the first signs had already appeared. The true beginning of that struggle was now near at hand. The end of it was far off.

<sup>7</sup> See page 173.

## CHAPTER XV.

## RELATIONS OF ENGLAND WITH FOREIGN LANDS.

BEFORE the Conquest, England took little part in Continental affairs. Nor had she, until the Welsh war of Harold, made any attempt for more than a hundred years to extend her borders. The Norman Conquest caused her to take her place in Europe. It led to the subjugation of Wales. It brought the Scottish kingdom and church to yield to English influence. And after a while it led also to the conquest of Ireland. But first of all the Conquest made the English name familiar in far-off lands in a wholly different way, for many of our countrymen fled from Norman oppression and enlisted in the Warangian guard of the eastern Cæsar. In the war between Alexios and the Normans they did good service against their former conquerors; and at the siege of Constantinople, in 1204, the Franks again felt the weight of the English battle-axe.<sup>1</sup> By the closer connexion which followed the Conquest, by the system of appeals, and the establishment of the legatine authority, England was brought into fuller fellowship with Latin Christendom, and was affected by the questions which agitated the Catholic church. Gregory VII. was anxious to secure the presence of

<sup>1</sup> Orderic, 508; Freeman, Norman Conquest, iv. 628-630.

her bishops at his synods. This was a new thing, and when Anselm entered the Lateran council in 1099, the presence of an archbishop of Canterbury on such an occasion was an event beyond the experience of any present. None could say where he ought to sit, until the pope bade him take a seat of honour, and greeted him as "the pope of another world."<sup>2</sup> In the early crusades England took little part. Nevertheless, Englishmen were foremost in a crusade which, unlike the more famous of these wars, was a Teutonic and not a French expedition. In 1147, a fleet of English, German, and Flemish ships assembled at Dartmouth to deliver Lisbon from the Moors. The English ships were fitted out by different towns and districts. London, Bristol, Southampton, Norfolk and Suffolk, and Kent, each sent its own contingent to the fleet. Lisbon was taken after a long siege, and was delivered over to Alfonso of Portugal. The fleet on sailing away left an Englishman as bishop of the city which it had won back to Christendom.

The Continental wars of our Norman kings belong rather to French than to English history. Viewed as a whole, they affected England in two ways. They gave her a place in European politics and they restored the self-respect of her people. By the conquest of England the Norman duke was able to use English troops and English gold in his long-standing quarrel with the French king. Normandy thus brought England into the affairs of Europe as the

<sup>2</sup> Jaffé, *Mon. Greg.*, p. 381; Eadmer, *Hist. Nov.*, p. 419; Gervase, 1327.

enemy of France. English troops helped the Conqueror in 1073 to crush the independence of Maine, as he had crushed the independence of their own land. Rufus, in his foreign wars, chose rather to use English gold to pay his mercenaries and to forward his policy than to rely on English valour. Yet his purchase of Normandy brought England for the first time into direct antagonism with France. In the ineffectual war of 1097 Frenchmen saw that the vain-glorious king aspired to the conquest of their land. They recognized England rather than Normandy as their national foe, for the Abbot Suger, in writing of the war, declares that it is not right that the French should be subject to the English, but rather the English to the French.<sup>3</sup> Crushed as it had been by conquest, the spirit of the people was revived by the Norman wars of Henry I. When Robert invaded England in 1101, the king in person drilled the English levies and taught them how to elude the shock of a charge of cavalry, and to meet the Normans without fear. The lesson was laid to heart. At Tinchebrai, in 1106, the king led the foot to battle against the barons of Normandy. His victory won him the duchy. And so it happened, as William of Malmesbury does not fail to notice, that on the self-same day (September 28) on which forty years before the Norman host embarked to conquer England, Normandy itself was made subject to England. The conquest of Normandy brought Henry face to face with Lewis VI. He strengthened himself by the

<sup>3</sup> Vita Ludovici Grossi, Recueil, xii. 12; Freeman, Norman Conquest, v. 95-102.

marriage of his daughter Matilda to the Emperor Henry V. Many Normans accompanied Matilda to Germany. As their race first obtained a footing in England through the marriage of Emma, and as the marriage of Sichelgaua of Salerno to Robert Wiscard led to the conquest of Apulia, so now they hoped to gain new greatness by this imperial marriage. It is evident that the Germans already regarded with some uneasiness the additional strength which the wealth of England gave the restless Normans, for in the time of Henry IV. the archbishop of Köln is said to have been accused of having invited the Conqueror and his "barbarians" to attack the empire. Henry V. gave the Normans no opportunity for pushing their fortune, for he sent his uninvited visitors back again.<sup>4</sup> The emperor had his own causes of quarrel with the French king, and in 1124, when Lewis upheld the Norman barons against Henry, he acted in concert with his father-in-law. The quarrel of the duke of Normandy with the French king gave England a place in the affairs of Europe, and the conquest of Normandy gave her people a share in the glory of their king. It was not, however, until the time of Henry II. that England became a great Continental power. And in the first two Angevin reigns the headship of a wide-stretching Continental confederacy, and the glories of a splendid crusade belonged rather to our kings than to their kingdom; for England was but one of the dominions of the Angevin house. Still here alone the Angevin dukes were kings, and the

<sup>4</sup> Orderic, 838; Lambert, *sub an. 1074.*

power and fame of Henry and of Richard shed some of their lustre on the English name. We must, however, go on to the reign of Edward I. if we would find the glory of the English king as a crusader and his greatness as a European power reckoned to the credit of our land. Yet England in the twelfth century exercised in one European kingdom an influence of a special character. The close connexion maintained between England and Sicily, and the cordial welcome which the Sicilian kings extended to all men of ability, encouraged several English subjects to seek their fortune in the other island kingdom of the Normans. The most famous of these was Thomas Brown, who became a minister of King Roger, and then came back to England to have great authority in the Exchequer of Henry II.

The conquest of Wales, unlike the conquest of England, was effected by private enterprise, and consequently brought with it all the evils of prolonged warfare, of lawlessness, cruelty, and greed, from which England was saved by the power of her conqueror. On the north the earl of Chester and Robert of Rhuddlan, the chief of his lords, fought and conquered for themselves in Gwynedd. So, too, did the Earl of Shrewsbury in Powys from his castle of Montgomery. While in the south the earl of Hereford for a while followed up the victories of Harold. The advance of the Normans was aided by the feuds of the native princes. Very terrible were the cruelties which were committed in these border wars. Orderic, writing in his monastery at St. Evroul, as he records the glory of "the warlike marquess," or lord marcher,

Robert of Rhuddlan, one of the benefactors of his house, says, with honest indignation, that his deeds were such as Christian men should not do against their fellow-Christians.<sup>5</sup> Once the Conqueror entered Wales with an army. He met with no resistance, and advanced as far as St. David's, freeing many hundreds of captives from the Welsh as he passed, and perhaps raising Cardiff castle to secure the conquest of the land. During the reign of Rufus, South Wales was subdued by a process of military colonization. Rhys ap Tewdwr, who is called the last of the Welsh kings, was slain at Brecknock, and Bernard of Neufmarché subdued Brecheiniog (Brecknockshire). Robert Fitz Hamon settled in Morganwg (Glamorgan) and ruled the land from his castle at Cardiff. In the next reign, Robert of Gloucester married the heiress of Fitz Hamon and succeeded to his dominions. Ceredigion (Cardiganshire) and Dyfed, or St. David's land (Pembrokeshire) were lost by the Welsh as much through intestine discord as by foreign arms, and the conquest of the south-west was secured by the castle of Pembroke, which was held by Gerald of Windsor, under Arnulf of Montgomery. A sudden rising of the Welsh in 1094 led Rufus to make three campaigns against them. General as this rising was, there was no union or concerted action in the attempt; and though Rufus was unsuccessful in warfare, he insured the subjugation of the country by building castles. By this means garrisons were stationed in different parts throughout the land, so

<sup>5</sup> Orderic, 670.

that each isolated movement of revolt was at once met by a local force.

A fresh settlement, in 1107, under Gilbert Fitz Richard of Clare, reduced Ceredigion to submission. About the same time Henry planted a colony of Flemings in Dyfed. The marriage of Matilda of Flanders to the Conqueror brought many of her countrymen over to England. The English regarded these Flemings with considerable jealousy, and Henry collected them together and settled them in the parts about Tenby. Traces of an earlier Teutonic colonization of this district remain in some Scandinavian local names, such as Freystrop. And this later settlement of men of a kindred race, who seem to have largely supplanted the native inhabitants, has still more powerfully affected local nomenclature. The Teutonic descent of the people of South Pembrokeshire can be still traced both in their personal aspect and in the prevalence of such names as Jenkins and Watkins. The language of the new settlers was, like our own, a Low Dutch dialect, and whatever difference may have at first existed between their speech and the speech of their English fellow-settlers must have speedily disappeared. Gerald de Barri (*Giraldus Cambrensis*), writing in 1191, says that these Flemish colonists were a hardy race, equally good with the plough and with the sword. They were well versed in trade, and especially skilled in woollen manufacture. The language and local nomenclature of Gower, of the district of Llantwit, and of other parts of Glamorgan seem to point to the presence of other Flemish colonies, but of these there is no written evi-

dence.<sup>6</sup> Under the protection of a castle, each body of colonists—French, English, and Flemings,—dwelt together in one community, either taking possession of some Welsh settlement or else forming a new town. Before long they obtained charters of incorporation. No Welshman had any share in their municipal life; and for the most part the natives kept to the mountainous country, where they were still able to live in their old wild fashion. Henry made two expeditions into Wales, and received the submission of the people. On his death they made another rising. The outbreak began in Gower and spread rapidly. They slew Richard of Clare and harried the Norman possessions in Cardigan. In spite of the expeditions which Stephen sent against them, they held their ground in a long and desultory war. Torn by intestine feuds, as well as by a constant struggle between the natives and the foreign settlers, the land had a full share in the anarchy of the time.

The subjugation of the Welsh church followed the conquest of the land. The lines of native bishops ended, and Normans or Frenchmen were appointed to the Welsh sees. No community of interest existed between these foreign bishops and their clergy. Beyond the reach of Rome, the Welsh church probably retained many of its primitive practices. There was no ecclesiastical organization or discipline. The clergy lived as married men, and were poor and ignorant. Careless in the performance of divine service, they were eager to relieve their poverty by extorting fees

<sup>6</sup> *Itin. Kambriæ*, i., 10; Freeman, *Norman Conquest*, v., 854.

for their ministrations. Instead of exercising any softening or elevating influence on their flocks, they were as uncivilized as the society around them. No effort after a better state of things was made by the foreign bishops, who looked on their Welsh dioceses merely as steps towards promotion. They only cared to get all they could by fair means or foul both from the clergy and the people, and often lived away from their sees.<sup>7</sup> A vain effort was made in the time of Henry II. to gain ecclesiastical independence for Wales by making St. David's a metropolitan see. The king, however, saw that ecclesiastical and civil independence were closely allied. He refused his consent, and the Welsh church remained subject to Canterbury. Norman devotion was displayed in Wales, as elsewhere, in the foundation of religious houses; yet even devotion was gratified by a share in the spoils of the conquered land, and the tithes of Welsh parishes were alienated to enrich English monasteries.

The Norman Conquest decided the English character of the Scottish kingdom. In the time of the Conqueror the chief power of the Scottish king lay in the district between the Forth and the Dee. Southwards he held English Lothian, the northern part of the old Bernician kingdom, and on the south-west Strathclyde or Cumbria—once a Celtic kingdom which had been granted to the Scottish crown by Eadmund,—while in the extreme south-west Pictish Galloway was rather a tributary land than part of his actual dominions. On

<sup>7</sup> *Giraldus Cambrensis*, ii. ed. Brewer, R.S.

the north the royal power was bounded by the Mormaor of Moray, who, though nominally a subject, was virtually independent of the Crown. Above the land of Moray lay different Gaelic tribes and the Northmen of Caithness and Ross. Norman England helped the Scottish king to triumph over the power of Moray, caused the Scottish kingdom and church to adopt an English character, and changed the seat of the royal power from Gaelic Alban to English Lothian. The flight of Eadgar the *Ætheling*, with his sisters Margaret and Christina, and some of the great men of the north, to the court of Malcolm, in 1068, gave the Scottish king a pretext for engaging in border war ; and although he sent some message of submission to the Conqueror when he was at York, he most cruelly devastated Cleveland and Durham. Scotland was filled with English slaves of both sexes, and their presence must have done something to forward the social changes which were effected by the sons of Malcolm. The marriage of the Scottish king with Margaret gave him fresh reason for harassing the Norman border. In 1072, the Conqueror advanced to Abernethy, on the Tay, and there Malcolm met him and did him homage. During the rebellion of Robert, in 1079, he again attacked England. When William was reconciled to his son he sent him against Malcolm. In order to protect the borders, Robert founded a castle on the Tyne, which was called Newcastle. Another bulwark was added to England by Rufus. In 1092, he advanced the English border by taking southern Cumbria, or the Carlisle district, from Dolfin, a semi-independent chief,

who held it of Malcolm. He rebuilt Carlisle and set up a castle there. He also peopled his new possession with a colony of English ceorls, sending them, "with wives and cattle, to dwell in the land to till it." The next year Rufus tried to turn the relationship acknowledged by the homage of Malcolm, into strict feudal dependence, and on the appearance of the Scottish king at his court at Gloucester, treated him with contempt. Enraged at this insult, Malcolm for the fifth time invaded England, and was slain on the banks of the Alne. Malcolm allowed himself to be guided by his queen, who was a saintly, learned, and refined woman. He introduced greater state into his court; he favoured Margaret's literary tastes, and joined her in religious observances. Margaret was an earnest ecclesiastical reformer, and the state of the Scottish church gave her scope for the exercise of her talents. In the ninth century, an order of monks from Ireland, called Culdees, or God's servants, began to take the place of the original monks introduced by St. Columba or his fellows. Although, no doubt, the first introduction of the Culdees into Scotland was an effort after a stricter life, by the eleventh century the order had deteriorated. Abbotships were held by laymen, who handed down their office to their children. There was no ecclesiastical discipline, for the bishops were virtually little more than officers of the abbeys, and many lax and evil customs prevailed. Malcolm and Margaret held several councils, in which the queen in person argued against these customs. Her husband, who regarded her with great reverence, acted as her interpreter, for he knew English

perfectly ; and by their combined efforts the clergy were brought to conform in many respects to those Catholic usages to which the queen was accustomed.<sup>8</sup>

The partiality of Malcolm and his queen to English men and English ways was distasteful to the Scots. On the death of the king, the succession to the throne was disputed between his brother and his son, and the struggle seems to have taken the form of a trial of strength between the national and foreign factions in the kingdom.<sup>9</sup> At length, in 1097, Eadgar, the English ætheling, with the consent of Rufus, led an army into Scotland and established his nephew Eadgar on the throne. The marriage of Henry I. with Eadgyth, the daughter of Malcolm and Margaret, drew the Scottish kingdom into yet closer relationship with England. As Eadgar left Scottish Cumbria as an appanage to David, his youngest brother, his successor Alexander was not strong enough to effect any considerable reform in the state. He had, however, probably learned from England the advantage of a vigorous assertion of the royal authority, and he accordingly demanded from the northern Mormaors a submission which they were unused to make. On their rebellion, he crushed their power in a fierce battle by the Frith of Moray. He was not equally successful in his attempt at ecclesiastical reform. Hoping to secure a bishop of St. Andrews who would help him to carry out his views, he procured the

<sup>8</sup> Councils and Eccl. Documents, ii., part i., pp. 156, 175.

<sup>9</sup> Robertson, Scotland under her Early Kings, i., 155 ; I will here acknowledge, once for all, my great obligations to this work.

election of Turgot, who had been the confessor of his mother. Turgot was prior of Durham and was the first English bishop of St. Andrews. When he applied to Thomas, archbishop elect of York, for consecration, he was required to profess obedience to the see of York. This demand was grounded on the plan made by Gregory for the division of the whole island between two metropolitans. The claim was left unsettled, for when Thomas had received the pall he consecrated Turgot, in obedience to the command of Henry, reserving the right of subjection. Before long Turgot gave up his bishopric because the king thwarted him. Alexander, in order to get rid of the claim of York, caused Eadmer, a monk of Canterbury, the friend and biographer of Anselm, to be elected as his successor. Eadmer, however, insisted on regarding his see as subject to Canterbury, and Archbishop Ralph claimed it on the ground that Gregory included Scotland in his grant of the metropolitan see of Britain to St. Augustine. After much dispute, Alexander chose another bishop, and Eadmer lost his office. Although there was no metropolitan see in Scotland, neither of the English archbishops had a good claim on the obedience of the Scottish church, for in the unorganized state of the Culdee episcopate there had been no exercise of metropolitan authority, nor did any question arise as to the right to the office of metropolitan until the Scottish Crown set about to reform the Church after the English model. In 1188, the pope disposed of the claims of both archbishops by declaring the church of Scotland to be immediately dependent on the Holy See.

On the accession of David the kingdom was greatly strengthened by the union of Scottish Cumbria to the Crown. Brought up at the English court, David had the feelings of a Norman baron. In his Cumbrian principality he kept many Normans round him, and as his marriage with Matilda, the daughter of Earl Waltheof, brought him the honour of Huntingdon, he was a tenant-in-chief of the English king. With the help of some of the barons of the north of England, he destroyed the power of the Mormaor of Moray, and extended the royal power over the northern Highlands. This victory enabled him to reward his friends, and many foreigners received grants of Moray lands and founded families which soon counted themselves as belonging to Scotland. David gladly received all strangers who were able to add strength to his throne, and as most of the land in Lothian and Strathclyde was held immediately of the Crown, he was able to settle them in those districts, which soon became the most important part of his kingdom. So it was that Norman lords held lands both of the English and the Scottish crowns. Thus at the battle of the Standard, Robert of Brus and Bernard of Bailleul, two English barons of Norman blood, renounced their homage to David and fought on the English side, while Alan Percy fought for Scotland. The time was yet far distant when men had definitely to choose on which side of the border they would fix their homes. On the death of Henry I., David declared for his niece, and by so doing obtained from Stephen the grant of Carlisle, and for his son Henry Doncaster and the earldom of Huntingdon. He

also claimed the earldom of Northumberland for his son in right of his mother, Matilda ; and in spite of his defeat at Northallerton, gained that land also.

The success of David's measures of reform is of more importance than his transient gains in territory. He organised the church by taking away the episcopate from the Culdees. He freed the bishops from monastic control and appointed and established a new diocesan system. St. Andrews and some other large Culdee monasteries he converted into Augustinian priories and made the canons the episcopal chapter. Monasteries of regular orders were established, and in some cases he forced the Culdees who were already in possession of a monastery either to take the new vows or to leave their home. In civil matters David began to undermine the power of the Mormaors by confining their authority to their own lands and handing over to sheriffs the jurisdiction which they had hitherto exercised as vicegerents of the Crown. In his new system of administration he copied English police arrangements and the procedure of the English courts. He adopted the feudal land tenure of the Normans, and laid the foundation of the political power of the tenants-in-chief, who in after days formed an estate of the Scottish realm. Copying English models in a yet more excellent way, he organized boroughs and granted them charters. These new communities were naturally established where the English and Flemings were mostly congregated. The laws of the Four Burghs, "Berewic, Rokisburg, Edinburg, and Strivelin," which were united in a kind of confederacy,

show how closely they resembled English boroughs. Dwelling beneath the walls of a royal castle, the burghers were strictly protected against any infringement of their rights by the castellan or his men. Although the tenure of land within the borough formed the basis of burgher right, these towns were, nevertheless, distinctly mercantile. Each had its merchant guild, of which neither dyer nor flesher might obtain the freedom unless he foreswore to work with his own hands. Dyeing, clothmaking, and tanning were the principal trades, and none but a burgher might buy wool to dye or to make cloth. All pleas, save pleas of the Crown, were heard in the borough courts before the aldermen and bailiffs, who were chosen each year by the goodmen of the town. In these courts the burgher might defend his right by battle.<sup>10</sup> Other lords followed the king's example and gave freedom to their towns.

While the subjugation of Wales, itself a result of the Norman conquest of England, was at last accomplished when England entered on a new life under the first king that since the conquest bore the English name of Edward, the completion of the nobler victory which England, through her own overthrow, won in Scotland was beyond Edward's power. Hindered rather than hastened by his premature efforts, the establishment of order in Scotland was the work of centuries. And perhaps it is not too much to say that the regeneration of Scotland, made possible by the events of

<sup>10</sup> "Leges Quatuor Burgorum" (Acts of the Parliaments of Scotland), i., 5-44.

1066, was not completed until the disarmament of the clans and the extinction of heritable jurisdictions after the rebellion of 1745.

The presence of the Normans in England insured the conquest of Ireland. Ecclesiastical supremacy paved the way for civil dominion. Irish bishops and archbishops sought consecration from the archbishop of Canterbury, and Lanfranc wrote letters to Irish kings, exhorting them to correct the immorality and reform the ecclesiastical abuses which prevailed in their kingdoms. The submission of the Church seems to have been regarded as the forerunner of the subjugation of the land. Had the Conqueror lived two years more, the chronicler said, "he had won Ireland with his wariness, and that without any weapons." Rufus was believed to have boasted that he would throw a bridge of ships from the rocks of Wales to the opposite shore, and lead an army across it to conquest. When Henry II. meditated the reduction of Ireland, he sought the sanction of the Holy See, as his great-grandfather had sought it when he determined on the invasion of England. Like the Norman duke, the Angevin king was bidden go forth as on a holy war, to root out corruption and spread the religion of Christ. Unhappily, in Ireland, even more than in Wales, the work of conquest was done by private adventurers. And thus in its earliest days English dominion in church and state was stained with the vices of a feudal oligarchy.

## CHAPTER XVI.

## THE PEOPLE.

WHILE perhaps every people of Western Europe was represented in the Norman colonization of England, the only important additions to the population consisted of Normans, Frenchmen, Bretons, and Flemings. Large colonies of Flemings were, as we have seen, planted in Wales. They were composed of men of the working class, and neither the families of landowners like Arnulf of Hesdin, in Somerset, or Gilbert of Ghent, in Lincoln, nor of their dependents, would be affected by the transplantation of their countrymen. As, however, the Flemings belonged to the same race and spoke a dialect of the same language as the English, they were speedily amalgamated with the mass of the people. The Bretons had no small share in the work of conquest. The names of some large Breton landowners in Devon and Cornwall suggest the thought that the Welsh of Britanny may have cherished the remembrance of the Damnonian kingdom. Another, and larger body of Bretons settled in and about Norwich under Ralph of Wader. These, however, and many others of their countrymen were forced to leave England in consequence of the conspiracy of 1075. A third settlement was made under Alan of Britanny, founder of Richmond Castle, who had large estates

both in Yorkshire and Lincolnshire. But the Kelts are a home-loving race, and Breton ballads and traditions point to the return of the descendants of many of Alan's followers to their own land. The main body of the new colonists consisted of Normans and Frenchmen. The Normans themselves had received a large intermixture of French blood, and the labouring class of Normandy, to which probably the archers of William's army mainly belonged, was far more French than Scandinavian. Even the nobles, who, on the male side, boasted their descent from Rolf or his companions, traced their genealogy through Frenchwomen, and save in names and in some characteristics were almost Frenchmen. The colonization which accompanied the Conquest was therefore mainly Romance in character, and it is not misleading to find the conquerors as a whole called French in opposition to the native English. In the country the number of new settlers was probably not sufficiently large as seriously to affect the character of the population. In the towns, however, and especially in the great trading cities the case was different. The charter of William I. to the Londoners implies the presence of a considerable number of Frenchmen in the city before the Conquest, and a steady influx of traders from Normandy seems to have been kept up in after years. Other towns also received large foreign colonies.

By the close of the Norman period the "French" and "English" of Domesday were fused into one people. Signs of their fusion naturally first appear in the relations of England with foreign countries. Even

in the days of the Conqueror, Lanfranc, in a letter to the archbishop of Dublin, writes, "We English." And during the reign of Rufus, Suger looked on the rivals of his own people as Englishmen. At home, however, the distinction was more marked. Rufus, on the day of his death, is said to have received a letter from the abbot of Gloucester warning him of coming danger by relating the dream of a monk. "Does he think," the king replied, "that I follow the fashion of the English, who give up their journeys for the snoring or the dreams of old women?" In the next reign the sneers of the Norman nobles at the marriage of Henry with Eadgyth show their contempt for the English, and the wise Robert of Meulan is said to have disliked them and to have opposed the promotion of English clergy. Nevertheless the reign of Henry I. was a period of amalgamation. The Normans ever took wives of the people whom they conquered, and Walter Map, writing in the latter part of the twelfth century, says that Henry I. by encouraging intermarriage and by every other means knit the two peoples into a firm alliance.<sup>1</sup> Born in England, the children of these mixed marriages looked on themselves as Englishmen. Orderic for example, who was the son of a French priest and an Englishwoman, is full of patriotic feeling. He tells us how he came to St. Evroul as a stranger and foreigner, a little exile of ten years old to be enrolled in the army of the Eternal King. The cruelties of the barons in the years of the anarchy seem to have been

<sup>1</sup> "De Nugis Curialium," 209.

exercised on all who were weak, without regard to race, and the bond of affliction helped to complete the union of the races. Richard FitzNigel, treasurer of the Exchequer, in his famous Dialogue on that court, written in the reign of Henry II., says that English and Normans were then so intermarried, and the nations were so thoroughly united, that in the case of a freeman it was a hard matter to decide whether he belonged to the one or the other. A villein, however, might always be presumed to be an Englishman, and therefore the law of "presentment of Englishry" and the fine for murder then applied to a distinction of condition rather than of race. From this time villeins were despised, not because they were Englishmen, but because they were villeins. When, however, new comers from Normandy or France settled in England, they naturally brought with them prejudices which had died out among those who had dwelt together as one people. On the contemptuous expressions of some of these foreigners has been founded much idle romance about the supposed continuance of the distinction between the races.

The fusion of the two peoples is illustrated by scattered notices which prove that during the twelfth century some men of Norman descent, and of high position, both spoke and understood English. Henry I. certainly was one of them. And it is not wonderful that the children of Englishwomen, as many men of Norman name undoubtedly were, should speak the tongue of their mothers and of the larger number of their servants. The marriages between the two races and the influence of fashion combined to displace

many of our English proper names by those in use amongst the Normans. There are many instances which show how constantly, after the Conquest, Englishmen gave their sons foreign names. Thus, in the Pipe Roll of Henry I., we find Walter the son of Godwine and Otho Alwinessune. The influence of this fashion caused the name of Henry's queen to be changed from Eadgyth to Matilda, a change which reminds us of that which gave to the Norman Emma the English name of *Ælfgifu*. The residence of the English æthelings in Rouen caused their names to be somewhat fashionable in Normandy. Some Edwards came over with the Conqueror, and Alfreds were common enough among the Normans. But cases in which Normans appear to have called their children by English names other than these are extremely rare. Edith, the daughter of William of Warren, was most likely called after the wife of the Confessor, the "Old Lady" of the English, who may have been her godmother. For the most part our English names fell into disuse, though some of them have at different times come into fashion again. While surnames of various kinds were constantly used in early English times, hereditary surnames were altogether unknown before the Conquest. They grew up more quickly from the names of places than from the names of forefathers. Baldwin, for instance, the youngest son of Gilbert Fitz Richard, was not called Baldwin Fitz Richard, but Baldwin of Clare, from a lordship which his grandfather had in Suffolk, and the name without the lordship was also inherited by others of the same house. Yet even in this case the

surname does not seem to have been borne by all the members of the house of Gilbert, and the regular use of hereditary surnames belongs to a later period.

The change effected by the Conquest in the law of alienation and hereditary succession was gradual. By early English law the receiver of boc-land was unable to alienate it from his kindred unless he was expressly allowed to do so by the grant by which he received it. On the introduction of Norman law the power of alienating land by will passed away altogether. On the other hand, while some restrictions existed in Norman times on the power of alienation during life, they partook of the spirit of the old law, and insured the preservation of the ancient inheritance of the family. The restrictions of the next age, on the contrary, were imposed in favour of the feudal lord. By English custom a man's land descended on his death to all his sons equally. In the case of a tenant by knight-service Norman law gave all his land to his eldest son. No exact date can be assigned to this change, nor was it made by any special enactment. It was a necessary consequence of military tenures, and came in with them. In the case of socage land the English custom of descent continued during the whole Norman period. By the time of Henry III., however, the descent of lands held in socage followed the rule of primogeniture, except in certain special cases, such as the county of Kent, where the old English custom still holds good.

The Romance colonization of England naturally drove English from its position as the official language of the country. This was no matter of tyranny, for

the ministers of the Crown could not speak English. Nor was English supplanted by French. Some of the writs of the Conqueror are in English, the rest—by far the larger number—are in Latin, and Latin soon became the only official language. The use of Latin was not a compromise, for the common tongue of Western Europe was as distinctly the language of government as it was of religion. Its use in England was no sign of servitude, though it was a sign that our land had been brought into the commonwealth of European nations. When, towards the end of the thirteenth century, French took its place along with Latin as an official language, all question of race distinctions had passed away.

William of Malmesbury notices how soon the two races became like each other in manners and habits. The Normans, he says, adopted the gluttony and drunkenness of the English, while in other things the English copied their conquerors. Habits of luxury and extravagance prevailed among the upper classes during the reign of the Norman kings. One sign of the evil state of society was that men wore long hair, a custom which was connected with the moral depravity of the court of Rufus. In spite of the reformation brought about by Henry, this custom continued in his reign. In 1130 an Englishman of knightly rank had a dream which put long hair out of fashion, but after a little while men allowed their hair to grow again. By the time of the Conquest Englishmen had ceased to wear beards, and only allowed the hair to grow on the upper lip. The Normans, as the tapestry shows us, shaved their faces

all over. During the reign of Henry beards began to be worn, and appear to have been regarded with much disgust by the clergy. Peaked shoes and rich mantles were in fashion among the men. Ladies wore their hair twisted into two enormous plaits, one on each side of the face. Their veils and the wristbands of their upper robe were of such preposterous length that they were often knotted up to prevent them from trailing on the ground. The Normans built houses of stone, and William of Malmesbury speaks of their love for spacious dwellings. Nevertheless the houses which remain of this period, or perhaps rather of the years which immediately succeeded it, are small, consisting for the most part of a vaulted sub-structure and of one room above it, sometimes divided in the middle, with an exterior staircase. The use of fire-places seems to have come in during the Norman reigns, and chimneys were built in the walls, which were of vast thickness. A splendid banqueting-hall was sometimes added to castle or palace, such as the hall of Rufus at Westminster, which the vainglorious king declared was not half so large as he had meant it to be. The Normans, no less than the English, were addicted to gambling with dice. They were also familiar with the game of chess. Minstrels, jesters, actors, and dancers wandered from one castle or hall to another, relieving the dulness of uncultured minds, and a professional jester seems to have held a permanent appointment in the court of the saintly Eadward. The clergy set their faces against the players' performances, which were often extremely coarse; and Giraldus shows some liberality in declaring that re-

conciliation was not to be denied to play-actors or apostates on their repentance. In order to provide people with dramatic entertainments of a better kind the clergy caused their scholars to act in the churches representations of miracles and of the passions of martyrs. Schools were still plentiful. The recorded history of Oxford as a place of learning dates from 1133, when a Breton, named Robert Pulein, read lectures there on the Holy Scriptures. In the next reign, as we have seen, Vacarius taught the civil law there until he was driven away. The abbey of St. Alban's maintained the most famous monastic school during this period. By the middle of the twelfth century, however, many of the nobles neglected to give their children any school teaching. A rude magnificence and a brutal disregard of the feelings of others prevailed among the upper class. Nor do the women of the Norman period, save in a few instances, appear to have exercised much influence on society for good.

The Romance notion of chivalry, with the class distinctions and the narrow sentiments of honour which grew round it, had little hold on England until the thirteenth and fourteenth centuries. Some instances of real and some of overstrained courtesy occur in the wars of our Norman kings, and the introduction of the semi-religious ceremony of knighthood tended to strengthen the idea of respect as due to a certain order of men rather than to mankind at large. At the cavalry-battle of Noyon, for example, in 1119, Orderic tells us that only three were slain, for besides that the horsemen were clad in armour,

"as Christian warriors they strove not to slay their brothers-in-arms, but to win a lawful triumph and to benefit the church of God," though perhaps in reality the hope of ransom had as much to do with the smallness of the slaughter as any other motive. Be this as it may, the connexion of knighthood with land-tenure in England, and the subsequent legislation which connected it more directly with taxation, weakened its influences on society.

Of the condition of the labouring class during this period we have scanty means of judging. During the century and a half preceding the Conquest the ceorls lost much of their former independence. Under the Normans they became the villeins of feudal society. Before as well as after 1066 the word "ceorl" was translated by *villanus*, and in a letter of the men of Kent to Æthelstan, written in Latin, the simple freemen, without nobility or office, call themselves "villani"; in writing English, however, we must not describe ceorls as villeins until the time that their dependence became fully developed and reduced to a system by the introduction of foreign lords. As the villeins of feudal society they were considered as attached to the land, and holding their tenements as the customary tenants of the lord. The part which the villeins took in the inquest held before the Commissioners of the Domesday Survey shows that they had not at that time lost their ancient rights in the local courts. Nor did they wholly lose these rights during the Norman period, for they still, as of old, sent their representatives to the court of the hundred and the shire. As,

however, they were not allowed to be *judices* and *juratores*, their position in these courts was not so good as in the old days. It is declared by Glanvill, writing in the reign of Henry II., that the villein had nothing which he could call his own, that all he had belonged to his master, and that he therefore could not redeem himself from villenage. Yet it is certain that villeins did sometimes purchase their own freedom and the freedom of their wives and children. The strict reasoning of the lawyers tended to depress the villein, for his actual condition during this period was better than that described by Glanvill. As against his lord he had a right to claim the protection of the law for his person,<sup>2</sup> and as against all other men he was fully secured. Men were villeins by birth. According to Norman law the condition of the father defined that of the child, though the offspring of an unmarried female villein or *neife* (*nativa*) were born in villenage. When children were born to a father and mother who were villeins of two separate manors, the two lords divided them with each other. Yet though the villein was thus reckoned as part of his lord's wealth, and was bought and sold along with the cattle on an estate, he might not be separated from the land on which he dwelt. Law books, indeed, speak of villeins *in gross*, or men who belonged absolutely to their lord, in distinction to villeins *regardant*, who were villeins in respect of the land. But it is obvious that those who are described as villeins *in gross* were not really villeins. They were slaves or *theows*, of whom

<sup>2</sup> Dr. Stubbs on Pipe Roll, 31 Henry I., p. 55, in Const. Hist., i., xi., 132.

there were large numbers in England before the Conquest. This confusion illustrates the fact that, while the law tended to depress the lowest class of freemen, mixing up the various grades of the ceorls and bringing them all alike into one condition of villenage, it raised the mere slave into the same condition, so that absolute slavery silently died out. And the degradation of men who once were fully free contained a saving element which could have had no place in the continuance of former slavery. Girt round with the memory of the customs of brighter days the villein needed only the revival of old rights, not the invention of new indulgences, to restore him to his former independence.

Provided that he had a just master, the position of the villein during the Norman period was degraded rather than absolutely miserable. Walter Map, for example, despised villeins. It was grievous to him that such boors should send their children to school so as to enable them to rise in the world. The complaint implies that the education of the children of villeins was not uncommon. He blamed those who preferred any lot to villenage. The poor were rebellious in spirit and felt blows an injury. Yet he was not an unkind master and took good care of his own dependents.<sup>3</sup> The villein was never out of work. Though he received no wages in money, he was paid like every one else in land, and he had no cause to fear lest he should be turned out of his house and

<sup>3</sup> De Nugis Curialium, 9-13; De Diversis Ordinibus Hominum, 209-224. This poem, however, seems to belong to a later date.

ground. To many a villein manumission would have been no blessing, for it would have brought with it the loss of his home and of his daily bread. On the other hand, as the lowest in the social scale, all burthens fell at last on him. The heavy taxation of the reign of Henry I. brought fearful misery on the labourers. Of the year 1124 the Chronicler says, "A full heavy year was it; the man who had any goods was bereft of them by exactions and violent moots; they who had none died of hunger." The next year a flood in August ruined corn-land and meadow, and brought famine and sickness on man and beast. As the weakest, the villein was the easiest prey of lawless men. When the hunter trod down his crops, he did well to offer his best, with humble mien, to refresh the great man in his sport. Such villeins as were fitted by education or in other ways to get on in the world must have longed for a change of life. If they chose to throw up their holdings and take refuge in a town, they obtained their freedom by remaining there for a year and a day and by becoming members of the guild. Those who gained their freedom thus were probably not mere agricultural labourers. Every great estate contained the whole body of workmen which it required, and among them there were of course many who would be able to get on well in a town.

It is likely that the best masters were to be found amongst the abbeys and other clerical bodies. From the clergy the children of villeins gained the education which fitted them for a different life than that of their fathers. Such a life was offered them by the Church

herself, and it is evident that in many cases the sons of villeins gained their freedom by taking orders ; for in the reign of Henry II. this practice was forbidden by law, except when the lord had first given his consent. The duty of manumission was strongly urged by the clergy. Some of the records of manumission, preserved in the famous Exeter books, afford interesting illustrations of the position of villeins.<sup>4</sup> As regards the dictum of Glanvill as to the property of the villeins, we read how Godwine Blaca (Black) bought himself, his wife, and family from William Hose the for 15s., "and *Ælfric Hasl* took the toll for the king's hand." This is the record of the manumission of a theow, and if the slave was allowed to have private property (his *peculium*) and to redeem himself with it, the villein was certainly in no worse case. Manumission appears as a religious act in the record, which tells us how "on the day of the translation of the bodies of Bishop Osbern and Bishop Leofric, Bishop William (W. Warelwast, of Exeter, 1107–1136) declared Wulfric Pig free and sacless of the land at Teigntun, and freed him for the love of God and of St. Mary and of all Christ's saints, and for the redemption of the souls of the bishops and of his own soul."<sup>5</sup> Here the expression, "sacless of the land," seems to imply that Wulfric Pig was a villein, attached to, or *regardant*, the land. Another record

<sup>4</sup> Thorpe, *Diplomatarium*, pp. 633, 637, 646.

<sup>5</sup> This record has a special importance, for the translation of the bishops out of the old into the new church proves that the present cathedral church of Exeter does not stand on the same site as its predecessor.

has a peculiar interest. It describes how Liveger the baker bought "a wifman" Edith of Bishop Geoffrey (of Coutances) for 30d. "to be free and sacless, she and her offspring, out of the land at Clist" (the offspring need not have been then in existence); and the deed ends,— "and may he who shall this undo have God's curse for ever without end. Amen." The reason of Liveger's purchase is told us by another record. He bought Edith to be his wife, and married her. After a while another lord of Clist succeeded the bishop. He tried to "undo" the deed of Liveger and claimed the baker's wife as his niece. Happily the record of manumission was preserved; it was put in evidence and the lord's claim was disproved. Like a suit touching freehold, a claim of villenage could only be heard in virtue of a royal writ, for the king was lord of all his people as well as of their land. The man who was claimed as a villein defended his freedom by the oaths of his free kindred. If their witness was unsatisfactory, an inquest was held by the men of his neighbourhood and by their finding his freedom was established. The signatures to the record confirming the freedom of Liveger's wife illustrate how in these, as in all matters, Normans and Englishmen acted together without distinction. The exclusion of villeins and "mean men" from the class which supplied the judices and juratores, the men of the neighbourhood who made inquests, was probably unfavourable to the cause of freedom.

Our knowledge of the town life of this period comes chiefly from notices of a little later date.

Fitz-Stephen, a monk of Canterbury, writing in the time of Henry II., describes the grandeur of London, which, under the Norman kings, took the place of Winchester as the royal city. In the east stood the mighty tower built by Bishop Gundulf, and on all the walls were strong fortifications. Two miles to the west stood the minster of Eadward and the hall of Rufus. Outside the walls pleasant gardens lay round the houses of the citizens. The English ever loved flowers, and their conquerors adopted their taste. Even Rufus, when on a visit to Romsey, was taken by the abbess, who was perhaps an Englishwoman, into her garden to see her roses and other flowers. Beyond the gardens of the Londoners were meadows and pastures, and round about were limpid springs, such as Holy well and Clerken well. Besides the cathedral church, thirteen monasteries and 126 parish churches stood within and around the walls. Famous schools were attached to St. Paul's, the Holy Trinity, and St. Martin's. Beyond the walls was Smithfield, where was held a weekly market for horses, cattle, and agricultural implements. The ships of France and Normandy, of Denmark, of Norway, of Flanders and Lüttich, and of "the emperor's men," brought gold and silver, silks, mercerries, and spicery to the great trading city. The strangers sold their goods under strict regulations. No foreign merchant might tarry in the city for more than forty days, save only the Danes, who were treated as fellow-citizens, the Norwegians, and the emperor's men, who had their own *hanse*, or guild, and their own hanse-house. Most of the houses in London

were at this time built of wood, and there were frequent fires.

Town life was strongly affected by the system of guilds. As the family connexion proved too weak to supply the manifold help which men needed from each other, associations or guilds were formed after the type of the family.<sup>6</sup> Existing at first for religious and social purposes, and also at a later stage to afford their members mutual security against violence and robbery, guilds appear in the eleventh century under a new form. The merchants' guild, while keeping up much of the religious and social character of earlier institutions, was formed mainly for the protection and advancement of trade. In respect of tenure, its members formed a kind of burgher aristocracy. All the merchants of the town belonged to it, and as members of the guild their mercantile character was more prominent than their position as burgage tenants. They were probably, as we have seen, the purchasers of the ferm of the town. At the other extremity of town life, there was in every unchartered town a large number of villeins ; for while a town remained in the demesne of a lord, its population answered to the tenants of a manor. Between the burghers and the villeins came the body of handicraftsmen. Nothing, indeed, prevented a craftsman from becoming a member of the merchants' guild if he was qualified by tenure. Many, however, who were not bondsmen had not this qualification, and were in danger of sinking into the mass of villeins. From this fate they

<sup>6</sup> See Dr. Lujo Brentano, on the History of Guilds.

were saved by the craft-guilds. These associations were formed by men of the same craft, whether they belonged to the guild-merchant or not, for the purpose of protecting themselves and their interests. As the guild-merchant kept foreign merchants from its town, so the craft-guild had the right of forbidding any one to exercise the same craft within the town unless he became a member of the guild. For this and other privileges the craft-guilds paid money to the Crown. The weavers of London, for instance, in 1130, paid £16 into the Exchequer for their guild ; and in the same year the shoemakers of Oxford paid five ounces of gold that they might have their guild again. The formation of unlicensed or "adulterine" guilds was punished by a fine. Each craft in London, and probably in all large towns, had its own district. Meeting in its own hall, and under its own alderman, the craft-guild arranged the hours of labour, ordering that all work should cease on Saturday "after noon has been rung" ; it admitted apprentices to its craft, who, after they had served their time, received the privilege of membership ; and, above all, it took measures to insure the good quality of the work of the brethren. Each guild also formed a benefit-club, providing for the relief of its own sick and needy and for the burial of its dead. Nor did these craft-guilds neglect the religious element, which was the chief object of the earlier associations. The Saddlers' guild, perhaps the earliest of the London craft-guilds, had its hall, we may be sure, hard by St. Martin's-le-Grand, where Saddlers' Hall now stands ; for the congregation of the guild made a compact

with the canons of the Church that they might enjoy the religious benefits of St. Martin's.<sup>7</sup> And other craft-guilds, in which the observances of religion were not so prominent, also took thought for the spiritual welfare of their members. The orders of the guild were enforced by fines, often consisting of drink, which was consumed at the stated guild-feasts. It is evident from the laws of the weavers of Winchester<sup>8</sup> that the members of some of these guilds were, for a time, held as little better than villeins, and were, to some extent, under the control of the full burghers. But their payments to the Crown, and the privileges which they received by royal grant, must have speedily insured their independence. When the fully-qualified burghers obtained the government of their towns, they looked on the rights of the craft-guilds with great jealousy. Nevertheless, under the protection of the Crown, the craft-guilds grew in power and in numbers until, after a long struggle, the craft-guilds of London, in the reign of Edward III., supplanted the old burghers in the government of the city.

The Jews are said to have been brought over to England by the Conqueror. Aliens in race and in religion, they had no legal status in the kingdom, and were merely the chattels of the king. By the laws of Eadward the Confessor, a compilation which seems to represent the time of the Conqueror, they and all their goods are said to belong to the Crown. As it was considered sinful for a Christian to lend on interest, the Jews were the only traders in money.

<sup>7</sup> Madox, *Firma Burgi*, p. 27; *Liber Cust.*, Introd., liv.

<sup>8</sup> *Liber Custumarum*, ii., i., 130.

They were allowed by the Norman kings to make settlements called Jewries in the principal towns. These Jewries were naturally placed near the walls of a town, where some space was still left for a new colony, and, for the most part at least, they lay near the castle, where they were protected by the king's castellan. The Old Jewry still marks the site of their earliest settlement in London. By the end of the Norman period they were settled in most of the large towns throughout the kingdom. In Norwich, Thetford, Cambridge, Oxford, Winchester, Leicester, York, and even in St. Alban's and St. Edmundsbury, were Jewries of some importance. Hated of all men, not merely for the sake of their religion, but chiefly because they found their opportunities for gain in the misfortunes of others, they depended wholly on the protection of the Crown, and were forced to pay largely for it. Rufus is said to have employed them to farm the revenues of the sees which he kept vacant. From the way in which he used the Jews as a means of shocking the feelings of his own people,<sup>9</sup> this statement may well be true, though it does not rest on any satisfactory authority. The Norman kings obtained money from the Jews in various ways. They levied taxes on them as they did on the tenants of their demesne; when any Jew was declared guilty of an offence, an exorbitant fine was imposed on the Jewry generally; and, since the Jews were shut out from the benefits of the common law, they had to pay large sums to the king

<sup>9</sup> See p. 140.

"for help" against their debtors. The passion for building which prevailed during the Norman times forced men of the highest rank, and even some of the greatest religious houses, to borrow of the Jews. Holding a monopoly of the trade in money, and dealing in a scarce article, they charged enormous interest. They must, however, have run considerable risks, and were put to great expense in collecting their debts.

The wealth of the Jews, and their behaviour to their Christian neighbours, have been made, as far as this period is concerned, the subject of some exaggeration. A consistent tradition has, indeed, connected Jewish names with certain stone houses at Oxford, which appear to have been of considerable size, and "Jews' houses" are still to be seen at Lincoln and St. Edmundsbury. No doubt some of the richer Jews, such as Aaron of Lincoln, lived in good stone houses; and the houses of some of the richer Jewries, in the reign of Richard I., are said to have been like the palaces of kings.<sup>10</sup> But there is no ground for believing that the Jews were the first to build stone houses in our towns. And as regards some of these so-called Jews' houses, it should be remembered that, after the expulsion of the Jews, this name was probably applied to the synagogues and schools existing in each of the great Jewries which were then turned to other uses. Even if all the traditions about Jews' houses are true, there are other examples of stone houses of the same date, both in

<sup>10</sup> R. Coggeshall, p. 27.

towns and in the country, to which no such stories are attached. While some of the Jews doubtless were very wealthy, there seems no evidence that, as a body, they were possessed of great riches in Norman times. Their settlement in Oxford was probably one of the largest in the kingdom, but in the second year of Henry II. the talliage paid by the Jews was not more than 100*s.* In the same year, however, the sheriff of Cambridgeshire accounts for as much as 60 marks from the Jews of Cambridge. The enormous fines laid upon them are not so much proofs of their wealth as of the extortion of the king; for by demands of this nature the Crown created a special claim on the property of the whole Jewry. Nor is there sufficient reason for accepting the picture of their attitude of "proud and even insolent defiance." Galling, no doubt, it was to the Norman noble to find the Exchequer enforcing the payment of his just debts to the despised Jews, as, for example, in the case of Richard FitzGilbert, the head of the great house of Clare, who is charged in the Exchequer roll of 1130 with a debt of 200 marks for money borrowed of the Jews. But the accusations made against them rest on very weak foundations, for the story of an isolated act of insult to the religion of the majority, such as that of a Jew of Oxford, who is said, in 1080, to have mocked at the healing power of St. Frideswide, even if it be true, proves little as to the general conduct of his people. And the two notices out of which the theory of their insolence has been mainly evolved are not worth much more. In the first of these,

William of Malmesbury complains because the Jews declared that, in their disputation with the bishop and clergy in the reign of Rufus, they were overcome by force rather than by argument. Their assertion was, however, natural, and may possibly even have been true. Another often-quoted notice of their insolence is the complaint made by the chronicler of St. Alban's of the pride and arrogancy of the Jew Aaron. The abbey owed Aaron a large sum. On the death of the abbot in 1188, he came to St. Alban's and declared that it was he who had made the rich shrine of their saint, and that if it had not been for him St. Alban would have lacked lodging. Seeing that this was true, and that the Jew was an unpaid creditor, he had surely more cause of complaint than the monks. So far, indeed, from holding a proud position, it was not until 1177 that the Jews were allowed any burying-place in England, save in the spot called the Jews' garden in Cripplegate.<sup>11</sup> Up to that time, at however great a distance from London a Jew might die, he had to be brought thither for burial. The life of a Jew was a matter which concerned the king's purse. Accordingly in 1130 we find that Richard Fitz William, who had killed a Jew, paid 20s. into the Exchequer, the same sum as that at which the *manbote*, or value of a serf's life, was assessed by law. As every Jew belonged to the king, Rufus would not allow attempts to be made to convert any of them to the Christian faith, for he could not afford to lose one of these valuable chattels. The

<sup>11</sup> Walter of Hemingburgh, c. 26.

hideous accusations against the Jews, which in so many ages and in so many lands have been the means of gratifying the vile passions of the greedy and brutal, first appear in England during this period. A fine of 2,000 marks levied on the Jews of London in 1130, for killing a sick man, is suggestive of one of these. This accusation was probably based on the death of a patient of some Jewish physician. In the reign of Stephen an instance of an accusation of the usual kind is recorded by the English chronicler. The Jews of Norwich are said to have bought a Christian boy, named William, and to have crucified him on Good Friday. The monks buried the body of the child in their church. Miracles were worked at the tomb, and William received the honours of a saint and a martyr. In spite of hatred and oppression, the Jews increased in wealth. Henry I. granted them privileges, which were confirmed and enlarged by his grandson, who is much blamed for the favour he showed them.<sup>12</sup> A comparison of the entries concerning the Jews in the Pipe Rolls suggests that they must have prospered in the time of the anarchy. During the Angevin period, their position and their financial operations were matters of considerable importance, and were made the subjects of special administrative organization.

<sup>12</sup> *Gesta, Hen. II., i., 182.*

## CHAPTER XVII.

## LANGUAGE, LITERATURE, AND ART.

AMONG the various consequences of the Norman Conquest, the changes which it wrought in our language will never be wholly undone.<sup>1</sup> The Norman era, however, was neither the first nor the last period of linguistic change. On settling in their new home, our fathers were brought into contact with the speech of the conquered race, and adopted a few Welsh words, belonging to domestic life, and a few Latin words, like *chester* and *port*, significant of the character of the Roman occupation. A large influx of Latin words followed their conversion. Some of these, like *bishop*, were distinctly ecclesiastical, while others came to them from their connexion with Latin Christendom in other matters. During the seventh and eighth centuries civilization and learning found their home in Northumbria, and the Anglian tongue became in consequence the literary language of our land. The West Saxon, therefore, as well as the Northumbrian, called his speech English. The Danish invasion,

As regards the first part of this chapter, I acknowledge my great obligations to Mr. Kington Oliphant's Old and Middle English and to Professor Earle's Philology of the English and beg to refer my readers to these books, from which I derived much profit and enjoyment.

however, put an end to the literary pre-eminence of Northumbria, and the ancient Anglian dialect sank into obscurity until it rose into fresh importance as the language of the Scottish kingdom, and has come to be called Scotch, as though it were a foreign tongue. In the tenth century the literary language must be sought in the dominant kingdom of Wessex, and is embodied in the translations of King *Ælfred* and of the Abbot *Ælfric*. Meanwhile in the north and east the Danes and English grew together into one people. Their union has the closest connexion with the linguistic effects of the Conquest. Our ancient speech was inflexional. It had, that is to say, the power of joining words together so as to make up a sentence by the changes in the endings of the main words themselves. While, however, the Danes naturally understood English words, they would miss the significance of the inflexions. Accordingly, in the land colonized by the Danes, men, came to use prepositions as a means of making themselves clearly understood, and inflexions became mere ornaments to the language. And as this intermixture of peoples prevailed in the district whose dialect has become the dominant speech of England, the loss of inflexions in modern English was rendered certain. As ornaments they were of course preserved more carefully in literary language than in conversation, and most of all in the expression of poetry and religion. When, after 1066, the highest places in church and state were filled by foreigners, the English priests and minstrels lacked encouragement, and so the old literary standard

died out. The shock of the Conquest shook off the already lifeless inflexions from our words, and the death of our national literature left no means of preserving them as literary adornments. The loss of our inflexions then, insured by the course of our earlier history, was consummated by the Conquest. Besides this other and even more important changes were wrought in our language. Before we proceed to note them, let us remember that the English of our fathers was no mean speech. More cultivated than any other Teutonic dialect, with a settled grammar, and even with some approach to a settled orthography, dignified, concise, and flexible, the English language was used not unworthily in translations from Latin authors, as well as in our native literature.

During the first half of the eleventh century some corruptions crept into our language, and a few stranger words were brought into it by foreign immigrants. After the Conquest the loss of our literary standard hastened the processes of corruption and addition. No vernacular poetry, save one or two scraps in the Chronicle, appeared for a long time after 1066, and, though English was used in some royal charters, in the Peterborough Chronicle, in some books of sermons, and the like, it ceased to be a literary language, and remained only as spoken by the people in the various local dialects. Of these dialects the speech of the people dwelling in the East Midlands, in some sort the meeting-place of Angle and Saxon, and the land where, after 1066, more English was written than anywhere else, became in the fourteenth century the dominant tongue and has

gained an abiding-place as the language of modern culture. As regards the influx of new words which followed the Conquest, it has often been remarked that these additions illustrate the character of the Norman colonization. Though the kingship remained English, our king held a French *court*, attended by his *chancellor* and other French officers. The earl made his wife a *countess*, for we have no English feminine for any official title, and his French *bailiff* took the place of the English *reeve*. So, too, the English *ceorl* on Norman lips became a *villein*; and the oxen, sheep, and swine he fed were turned by his master into *beef*, *mutton*, and *pork*. Still, during the Norman period the influx of foreign words was not large, and the two languages remained distinct. Such as they were, the new words which came to us were not taken straight from Latin, as at the two earlier infusions, but as they were disguised under a Romance or French shape. The habit of neglecting Latin for French forms grew apace, and has to account for some ugly importations into our language.

The best days of English literature seem to have ended some years before the Conquest. The Chronicle-writers, however, carried on their work until the Abingdon scribe laid down his pen when he came to the overthrow of his country, and the Canterbury version ended in the reign of the Conqueror, and the Peterborough Chronicle only was left to tell the story of our people up to the end of the Norman period. Besides this chronicle, compiled in the land which was to be the birth-place of our modern English, little of any literary importance was

written in our tongue before the thirteenth century. The last portion of this chronicle, finished about 1160, and recording the events between 1130-1154, may be taken as an index of the linguistic changes wrought during the reigns of our Norman kings. It exhibits the loss of case-endings, some confusion in grammar, and a tendency to use French forms. Sentences are constructed more simply than in the times of literary language, prepositions are placed at the end of relative clauses, and the verb no longer comes last. In other matters, too, such as the use of contractions and the substitution of the northern *a* for *e*, it is evident that by the end of the Norman period the spoken language had no small influence on the language of writing. Sometimes foreign words are used to express new ideas. As early, for example, as the record of 1086, an English ending was tacked on to a French word to describe how the Conqueror "dubbade his sunu Henric to ridere." Sometimes, too, a foreign word is used in pure wantonness when an English word was ready to hand. And so we are told in the same place how the king "bær his corona," instead of his *cynehelm*; and, again, under 1137, how Stephen wasted not the *heord*, but the *tresur* of his uncle. Nevertheless, the language even of the latest entries of the Peterborough Chronicle is English and not a mixture of tongues. As a proof of this we may take a bit of the tale of the sorrows of the anarchy:—

Me henged up bi the fet and smoked heom mid ful smoke;  
me henged bi the þumbes other by the hefed and hengen  
bryninges on her fet. Me dide cnotted strenges abuton here

hæved and uurythen to þat it gæde to the hærnes. Hi diden heom in quarterne þar nadres and snakes and þades wæron inne and drapan heom swa.

Or, in modern English,

They hanged them up by the feet and smoked them with foul smoke ; they hanged them up by the thumbs or by the head and hung burning (things) on their feet. They put knotted strings on their heads, and writhed them so that it went to the brain. They put them in dungeons wherein were adders and snakes and toads, and killed them so.

All through the twelfth century English was occasionally written, and though the literary standard was no longer kept to, our old words lived on, and our language did not lose the power of compounding new words as they were wanted. As a spoken tongue it was, of course, on the lips of the people ; but if it had been spoken only it would never have held its ground as a distinct language side by side with the language of the conquerors. At the beginning of the next century there was much which seemed as though English would remain distinct from French, and if it had kept its distinctness it would also necessarily have become the victorious language. The strength of the English tongue at that time is shown by the works of two poets. Layamon, a secular priest, living at Areley Kings, by the Severn, wrote in the dialect of the south-west a translation of Wace's "Brut," itself a metrical version of the romance of Geoffrey of Monmouth. Alliterative and rhythmical, some of his verses have much of the swing of our older poems, though they lack their literary precision, while

others are written in rime. He tells us how he took Wace's book and began to write :—

Layamon leide þeos boc,      þa leaf wende,  
he heom leofliche biheold,      like him beo drihten,  
fetheren he nom mid fingren,      and fiede on boc felle.

Layamon laid this book, the leaf he turned, he lovingly beheld it, may the Lord be good to him! feathers (a pen) he took with his fingers and with zeal on the book fell.

About the same time, Orrmin, in even more strictly Teutonic fashion and in the dialect of the East Midlands, wrote, perhaps not far from Peterborough, a version of the Gospel story in alliterative verse, calling it *Orrmulum*, "for this that it Orrm wrote."

Close on the writings of Layamon and Orrm followed a new and disastrous era in the history of our language. The beginning of this period is marked by the appearance of a book called the "*Ancren Riwle*" (the "*Rule of Nuns*"), written in 1220, which contains a large number of French words and idioms. During the next sixty years many old English words and terms of expression were pushed out of our language by this foreign influx, and, worse still, we lost at the same time our power of making up new English words. These changes were brought about partly by the love of foreign fashions, and partly also by the preaching of the friars, which was addressed to all men alike, and so did much to bring the speech of the people nearer to the speech of the upper class. To this period far more than to Norman times belongs the importation of the Romance element into our language. Foreign influence also affected the

character of our literature as well as its language, and the riming chronicle of Robert of Gloucester is an example of the extent to which Englishmen had, by the end of the thirteenth century, adopted some of the leading characteristics of French poetry. By that time, however, the English tongue had again begun to find its place in literature, and the lay of Havelok the Dane, written in the dialect of the East Midlands about 1280, is English both in spirit and in manner. The revival of an English literary standard may be held to have been completed when, in 1303, Robert Manning of Brunne wrote, in the dialect of the Fen country, his "Handlyng Synne," a translation of the "Manuele pecche."<sup>2</sup> From that time this dialect has become the language of literature and of educated people. As truly for centuries a merely local speech as the rich dialect of the labourer of West Somerset now is, the language of the East Midlands has come to be looked on as the only good English, while the native speech of any other part of England is ignorantly held to be a corruption of the mother-tongue.

When English verse rose again after the dark days of French fashions, the final victory of the Romance rime over the alliterative rhythm of our old national poetry was near at hand. Although rime was used fitfully in English verse before the Conquest, it owed this victory over our sounding measures to the influence of the French metrical chronicles and to the importation of French words

<sup>2</sup> The history of this fall and rising again of our language may be read with great interest in "Old and Middle English."

more suited to rime than to alliteration. Few idiomatic changes have been made in our language since Robert of Brunne told how the labourer rebuked the insolence of the lord :—

þe Lord, þat made of erþe erles,  
Of the same erþe made he cherles ;  
Erles myght and lordes stut  
As cherles shal in erþe be put ;  
Erles, cherles, alle at ones,  
Shal none knowe youre from oure bones.

Thus the language of the East Midlands triumphed over the French imported in the thirteenth century—an importation which was itself a consequence of the victory of the Normans. Some heavy losses indeed our speech has suffered, both from the immediate and from the later effects of the Conquest. That it has gained nothing is an assertion which can only be made by those who forget the manifold calls made upon it by the advance of culture. Able and facile as our old speech proved itself to be in all demanded of it, the thoughts of the younger world are deeper and the distinctions of philosophy and science more subtle than could be told by the language of Ælfred. As to our losses, our poets must do their best towards giving back to us the power of making up new English words, while each of us may do something at least to hinder further mischief by never using a foreign word when we might without affectation use an English word instead.

During the Norman period nearly all prose was written in Latin. To us the most important charac-

teristic of this Latin literature is the rise of English historical writing. Bringing with them William of Poitiers and Guy of Amiens to tell the story of our country's fall, the Normans roused a love for history in the conquered people. Florence, a monk of Worcester, after compiling a long chronicle, ends his work with an independent record of events from 1030 to 1116, written in a sober and critical spirit. About the same time Eadmer, the friend and biographer of Anselm, wrote an account of the ecclesiastical disputes of the reigns of William II. and Henry I., preserving for us many picturesque details both of famous men and famous scenes. Although Orderic wrote his so-called ecclesiastical history in his Norman convent, we may fairly claim for ourselves one of the most prolix and most delightful of chroniclers as born in England of an English mother, and as a lover of his native land. The books of Symeon of Durham, written in the twelfth century, preserve the local, and especially the ecclesiastical history of Northern England. In the latter part of the same century Henry, archdeacon of Huntingdon, compiled a chronicle of events down to 1154. The work of a secular priest, at a time when monks were almost our only writers, the chronicle of the lively archdeacon, though of little value as an independent authority, has an interest of its own. Henry of Huntingdon loved old things, and he went about with his eyes and ears open. He gives us the earliest notice of Stonehenge, and has evidently weaved into his Latin story many pieces of old popular poetry which would otherwise have been wholly lost to us. Before the

middle of the century the books of William, a monk of Malmesbury, began a new era in our historical works. Writing not as a mere annalist, but as an historian, William deals with his information in a critical and philosophic spirit. Like Orderic he was half an Englishman by birth, and though somewhat divided in feeling on national questions, he had a strong love for English antiquities. With some share at least of the historic faculty of Bæda, he was a worthy forerunner of Matthew Paris. And though he and others of our old historical writers were monks, it must not be supposed that their view of events was limited to their monasteries or even to their own land. The great Benedictine houses lodged strangers from every country in Christendom. And while they were certainly almost the only learned men in England, the Benedictine monks were further fitted for historical work by constant association with men of other nations and as members of an order which had its home in all lands alike. Among English writers on other subjects, Æthelhard of Bath studied the learning of the East in the Norman kingdom of Sicily and wrote on Natural Philosophy in the spirit of the author of the "Novum Organon." It is pleasant to find that in 1130 the scholar-king Henry made a grant of money to our English philosopher.<sup>3</sup>

When the Confessor built the West Minster, he was the first, so William of Malmesbury tells us, to build in a way which in the days of the writer was almost universally adopted. This remark fixes the date of the

<sup>3</sup> Pipe Roll, 31 Henry I., p 22.

introduction of the Norman style of Romanesque architecture into England. The vast church of the Confessor set the fashion of large buildings, and after the Conquest most churches of any importance, even though lately finished, were pulled down by the Normans on every side to be rebuilt on a larger scale. Yet the new style did not for some time drive out the primitive Romanesque of our land. At Lincoln, for example, Coleswegen built his churches in primitive fashion, even while the Norman castle and minster were in progress, and the native style held its ground, especially in the smaller churches, for many years.<sup>4</sup> The ordinary type of a large Norman church in England, as in Normandy, is cruciform, with an apsidal chancel and a low and massive tower at the intersection.<sup>5</sup> The west fronts seem to have presented one large door, a row of small arches, pierced here and there to serve as windows, and a window of larger size above. Rebuildings have, however, spared very few Norman exteriors. In some cases the tall western tower of our primitive style was left by the Norman builders, and in some small churches without aisles or transepts they placed their tower, as at Iffley, between the nave and the chancel. The doorways are usually of great depth, with a semicircular arch and many richly-moulded orders. The windows are generally small with a deep splay. The rectangular piers of our older style were replaced in larger churches by massive cylindrical

<sup>4</sup> Freeman on Romanesque Architecture, *Fortnightly Review*, October, 1872.

<sup>5</sup> See p. 45.

piers, sometimes, as at Gloucester and Tewkesbury, carried to an extraordinary height, though at home the Normans were accustomed to the shape which they here displaced. In smaller churches, the piers are less massive and should rather be called columns.<sup>6</sup> The arches are semicircular and square in section. Timber roofs were used over all large spaces and vaulting was confined to crypts, aisles, and chancels. Sometimes profuse and sometimes scarce, the amount of ornamentation supplies no means of judging the date of a Norman church. While the earlier Norman style was brought to such perfection in the early years of the twelfth century, as may be seen in the nave of Durham, a distinct change appears at about the same time in the work of Bishop Roger at Sherborne. Richer ornaments, lighter columns, more elegant capitals, and larger windows with slender shafts, mark the later Norman style, also to be seen in its highest form at Durham in the Galilee of Bishop Hugh of Puiset. From such buildings the transition to the early English work with its pointed arches was easy and gradual,—for the use of the pointed arch did not imply a change of principle. Wanted for structural reasons, it was seen in the East, in Sicily, and in Aquitaine, and men used it because they wanted it. That the change was gradual is proved by abundance of examples. Malmesbury Abbey probably affords the earliest, as well as the best, instance of a Romanesque church with pointed pier-arches. At

<sup>6</sup> Norman Conquest, v., 629.

Fountains (1140-1150) also, the pointed arches of the arcades stand, along with the Romanesque work of the building at large; and the chapel of St. Cross, built about the same time, while instinct with the severe grandeur of Romanesque architecture, shows the close relationship of the pointed arch to the increase of refinement in design and workmanship. Established at last under the next dynasty, the change from the Norman to the Early English style opened the way for a long series of triumphs in that sovereign art in which Englishmen formerly excelled.

As to the houses of this period, something has been already said in the last chapter. The pillared hall attached to some great house, palace, castle, or abbey, such as the hall of Oakham, or such as was once the hall of Westminster, is the most noteworthy feature of domestic architecture in the Norman times. It is also interesting to mark the way in which the character of domestic building was affected by the change to greater richness and lightness in ecclesiastical work. The narrow slits with deep splays which served as windows were gradually supplanted by square-headed windows, divided by a mullion, and surmounted by a flat round arch; and the rich doorway of the "Jews' house" at Lincoln, belonging to the twelfth century, carries the chimney in a striking manner. Save in chapel and hall, the Norman castle offered little opportunity for architectural adornment. The angles of their massive keeps are broken by turrets containing stairs, and the sides are often relieved by flat buttresses. In

spite of its profuse employment of carving, Norman architecture in England was not enriched by the highest kind of sculpture, and the figures of Henry I. and his queen in the porch at Rochester are almost the only examples we have of statuary of this period. Painting was used in the decoration of buildings, and the wooden roof of the choir of Conrad at Canterbury, painted like the heavens, was so glorious as to draw all eyes.<sup>7</sup> The illuminations of twelfth-century MSS. are more splendid and intricate than in former times, though this increased adornment is sometimes marred by an artificial taste never seen in the work of our earlier artists. Although the invention of the four-line stave in music has been often ascribed to Guido of Arezzo, who wrote about 1024, a MS. of the reign of Æthelred the Unready proves, if indeed it is written by one hand, that this new system of notation was even then known here, and had already begun to take the place of the sound-marks written without stave. In whatever way the question of our debt to Guido ought to be decided, it is interesting to find an Englishman, named John of Cotton, chief among the disciples of the great master. While, however, the English had thus before the Conquest made considerable advance in the art they loved so well, they had no power of expressing, except orally, the relative duration as well as the pitch of the notes they employed. If the invention of the Time-table was not due to Franco of Köln—and it is, indeed, unlikely that any one man produced such a system without

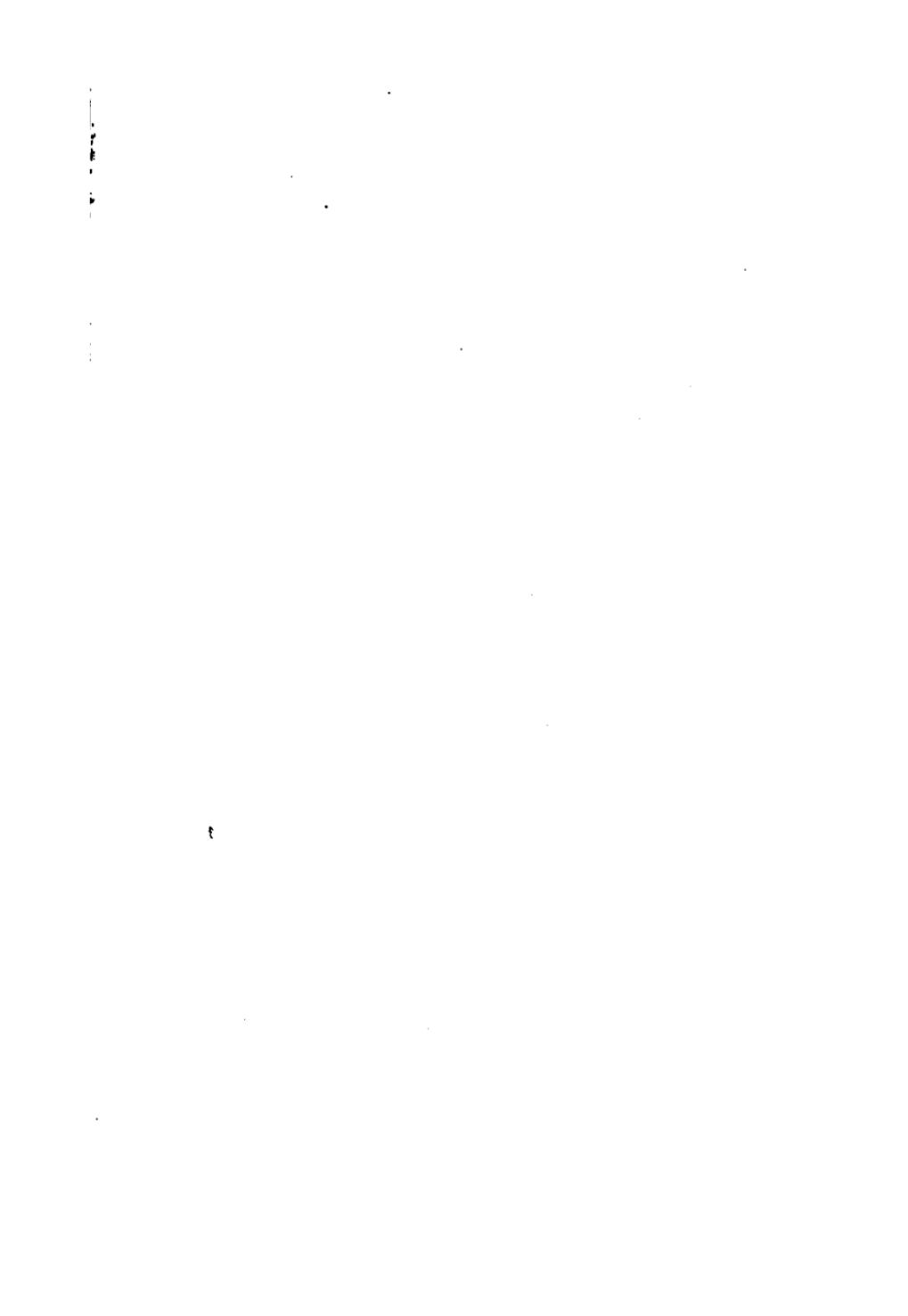
<sup>7</sup> Will. Malmes., *De Gestis Pontif.*, i., 214; Gervase, 1294.

forerunners in his work,—his treatise on the Measured Chant, written towards the end of the eleventh century, developed the system of Time-notes and made it known to the world at large. It is probable that our fathers were not behindhand in adopting this great invention, for the earliest extant work on Measured Music, after the treatise of Franco, was written by Walter Odington of Evesham in 1220.<sup>8</sup>

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If I have done my work aright, this little book shows that the Conquest of England by the Normans was neither like the first page nor the last in the history of a people. Hastening and completing many changes already begun, as well as bringing in some which were wholly new, the Norman period of our history cannot be understood without some knowledge of the earlier history of the conquerors and of the conquered people. Nor can we comprehend these changes in all their fulness without the history of our race at home and beyond sea up to the present day; and, indeed, we may be sure that many of the consequences of these changes are not yet fully worked out. All history is continuous. The special interest of our own history lies, to some extent, in its special continuity, and this continuity is never more evident than when we study the history of our people under the dynasty of the Norman kings.

\* For the early history of music in England see the articles *Musica Mensurata* and *Notation*, by Mr. Rockstro, in Dr. Grove's *Dictionary of Music*.



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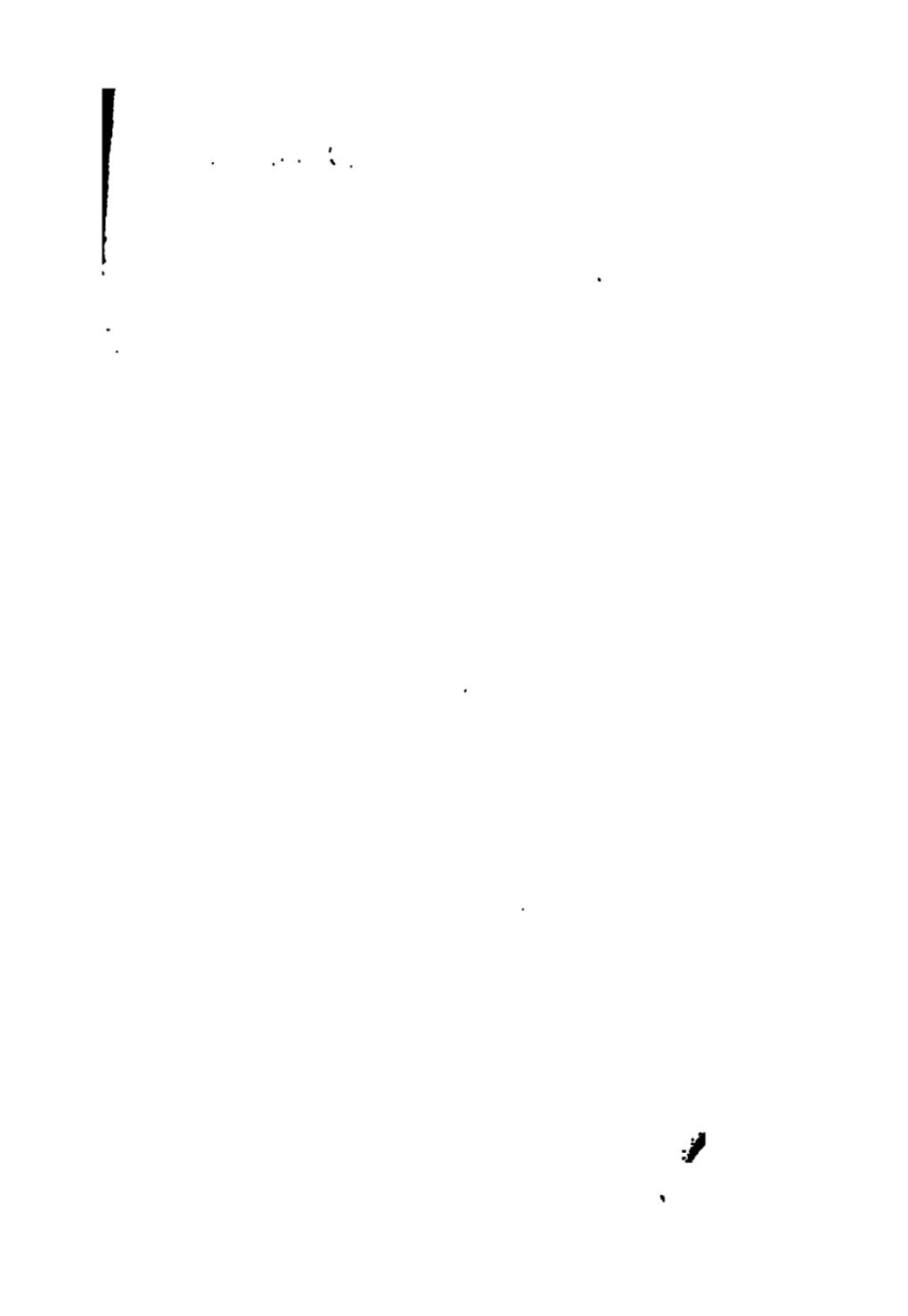
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